

H. C. R. No. 163, Commending Texas Centennial of Statehood Commission for the manner in which it conducted the State-wide observance of Texas Centennial.

H. C. R. No. 173, Suspending Joint Rules to consider any bill.

H. C. R. No. 165, Providing for sine die adjournment.

S. J. R. No. 2, Proposing an amendment to Section 28, of Article III, of the Constitution of the State of Texas, so as to provide for a Board, for apportioning the State into senatorial districts and representative districts etc., and declaring an emergency.

H. J. R. No. 39, Proposing an amendment to Article 5 of the Constitution of the State of Texas authorizing the Legislature to provide for retirement of District and Appellate Judges of this State on account of age or disability and for compensation of such retired judges, and providing the Supreme Court may assign retired judges to active duty where and when needed, providing for the submission of the amendment to the voters of this State; and providing for the necessary proclamation.

S. C. R. No. 55, Suspending the Joint Rules to permit the Senate to consider House Bills Nos. 787, 754 and 210, etc.

H. C. R. No. 137, Authorizing D. C. Heath and Company, et al., to sue the State.

#### Recess

On motion of Senator Aikin, the Senate, at 6:55 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

#### SEVENTY-NINTH DAY Continued

(Friday, June 6, 1947, Legislative Day of Thursday, June 5, 1947 Continued.)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

#### House Joint Resolution 3 on Passage to Third Reading

Senator Moffett called from the

table the motion made by Senator Jones on Thursday, March 27, 1947, to re-consider the vote by which H. J. R. No. 3 failed to pass to third reading.

The motion to reconsider prevailed.

The President then laid before the Senate on its passage to third reading:

H. J. R. No. 3, Proposing an amendment to the Constitution of the State of Texas increasing the compensation of Members of the Legislature; providing for the necessary proclamation of the Governor; and making an appropriation.

The resolution having been read second time on Wednesday, March 26, 1947.

Question—Shall the resolution be passed to third reading?

Senator Weinert offered the following amendment to the resolution:

"Amend H. J. R. No. 3 by striking therefrom all of Sec. 1a."

The amendment was adopted.

H. J. R. No. 3 was passed to third reading by the following vote:

#### Yeas—21

Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Harris	Stewart
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	York
Moffett	

#### Nays—7

Aikin	Taylor
Hardeman	Weinert
Jones	Winfield
Knight	

#### Absent

Carney	Ramsey
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#### House Joint Resolution 3 on Third Reading

Senator Moffett then moved to suspend Senate Rule 45 requiring Joint Resolutions to be read on three several days to place H. J. R. No. 3 on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Brown	Moffett
Bullock	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Harris	Stanford
Hazlewood	Stewart
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	York

Nays—8

Aikin	Strauss
Hardeman	Taylor
Jones	Weinert
Knight	Winfield

Absent

Carney Ramsey

The President then laid H. J. R. No. 3 before the Senate on its third reading and final passage.

The resolution was read third time.

Senator Stanford offered the following amendment to the resolution:

Amend S. J. R. No. 3 by adding a new section to be known as Sec. 1AA to read as follows:

"Sec. 1AA. The provisions of this resolution shall not apply to Travis County nor the 20th Senatorial District."

Senator Moffett raised a point of order against consideration of the amendment on the ground that it is not germane to the resolution.

The President sustained the point of order.

The resolution failed to pass by the following vote:

Yeas—15

Brown	Moffett
Bullock	Morris
Chadick	Parrish
Cousins	Proffer
Crawford	Vick
Hazlewood	Tynan
Kelley of Hidalgo	York
Lane	

Nays—13

Aikin Hardeman

Harris	Stewart
Jones	Strauss
Kelly of Tarrant	Taylor
Knight	Weinert
Phillips	Winfield
Stanford	

Absent

Carney Ramsey

#### House Bill 787 on Second Reading

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 787, A bill to be entitled "An Act creating Fannin State Park Commission, providing for the appointment of Commissioners, their terms of office and duties, authorizing said Commission to receive donations; authorizing the government of the United States to erect a memorial under certain conditions; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 787 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 787 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent

Carney Ramsey

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Report of Conference Committee on House Bill 120**

Senator Phillips submitted the following report:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 120, have met and had the same under consideration, and recommend that House Bill No. 120 be passed in the form attached hereto.

Respectfully submitted,

LANE  
KNIGHT  
PHILLIPS  
MORRIS

On the part of the Senate.

PARKHOUSE  
HEFLIN  
STOREY  
TEMPLETON  
KAZEN

On the part of the House.

By Parkhouse and  
Moore

H. B. No. 120

**A BILL  
To Be Entitled**

"An Act empowering the courts of record of the State of Texas, having original jurisdiction of criminal actions to suspend the imposition or executions of sentence and to place defendants on probation under certain conditions; specifying conditions of probation which, among others may be imposed; providing for investigation by probation and parole officers; prescribing the period of probation and any extensions thereof; providing for the discharge of defendants who have observed the conditions of probation imposed by the courts and the legal effect of such discharge; providing for the arrest of defendants during the period of suspension of imposition or execution of sentence

and during the period of probation with or without a warrant and for the continuance or revocation of probation without jury trial in the event the conditions of probation have been violated; providing for the hearing on revocation of probation in courts other than the one having original jurisdiction; providing that the time served on probation shall not be part of the time the defendant shall be sentenced to serve; providing for the transfer of probationers under certain conditions; providing that the Board of Pardons and Paroles shall administer the provisions of this Act and shall act as the State Board of Probation; establishing qualifications for Board members; providing for the method of certifying to the appointing authorities persons eligible as members of the Board; and providing for the salaries and expenses of said members and specifying duties of said members; providing for the appointment of chairman and secretary of said Board and providing for the conduct of the duties of said Board; providing for the keeping of records of the business of the Board and for an annual report of its work; providing for the release of persons on parole and for the method thereof; prescribing the duties of the prison officials in furnishing information to the Board; prescribing duties of persons representing persons making application for parole; providing the Board power to issue subpoenas and administer oaths and to conduct hearings and prescribing penalties for failure to appear and to falsely testify or produce material and the method of procedure thereof; providing for the transportation, temporary maintenance, and clothing of parolees; providing for rules of conduct of parolees and probationers; providing for the issuance of warrants, arrest of parolees with or without warrant, incarceration of parolees and method of procedure when violation of parole is alleged; providing for serving of original sentence when parolee is convicted of another crime; providing for a hearing before the Board for violation of parole; providing for discharge of parolee; providing for investigation and reports by the Board of any case of pardon, commutation of sentence, reprieve or remission of fine or forfeiture; providing for the appointment of a Director of Probation and Parole, and

the method thereof and prescribing his duties and powers; providing for the appointment of probation and parole officers and other employees and the method thereof; providing for the assignment of probation and parole officers to such courts and the method thereof; providing for the transfer or removal of probation and parole officers under certain conditions; directing commissioners' courts to provide office space for said probation and parole officers; prescribing the duties of probation and parole officers and the powers of such officers; designating "chief" and "assistant" probation and parole officers; providing for probation and parole officers for powers to make arrest and other duties required of law enforcement officers; providing that information obtained by said officers shall be privileged; providing that probation is a final disposition for the purpose of determining fees; providing that this Act shall apply to all prisoners that are now eligible for parole; providing that this Act shall not limit the powers of the Governor of executive clemency; providing that this Act does not apply to parolees from institutions for juveniles; providing for repeal of Article 6203, Revised Civil Statutes, 1925, all laws or parts of laws in conflict and further that nothing in this Act shall repeal Article 776 through 781 of Vernon's Revised Statutes, Code of Criminal Procedure; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; providing that this Act shall be cited as the Adult Probation and Parole Law and defining certain terms; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. The courts of the State of Texas having original jurisdiction of criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, shall have the power, after conviction or a plea of guilty for any crime or offense except murder, rape, and offenses against morals, decency and chastity where the maximum punishment assessed the defendant does not exceed ten years imprisonment, and where the defendant has not been previously convicted of a felony, to

suspend the imposition or the execution of sentence and may place the defendant on probation for the maximum period of the sentence imposed or if no sentence has been imposed for the maximum period for which the defendant might have been sentenced, or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided. Any such person placed on probation shall be under supervision of such court and a probation and parole officer serving such court as hereinafter provided.

Sec. 2. When directed by the court a probation and parole officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present conditions of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. If a defendant is committed to any institution the probation and parole officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 3. Such court shall determine the terms and conditions of probation and may at any time during the period of probation alter or modify the conditions and may include among them the following, or any other that the probationer shall:

- (a) Commit no offense against the laws of this or any other State or the United States;
- (b) Avoid injurious or vicious habits;
- (c) Avoid persons or places of disreputable or harmful character;
- (d) Report to the probation and parole officer as directed;
- (e) Permit the probation and parole officer to visit him at his home or elsewhere;
- (f) Work faithfully at suitable employment as far as possible;
- (g) Remain within a specified place;
- (h) Pay his fine, if one be assessed, in one or several sums, and make restitution or reparation in any sum that the Court shall determine; and
- (i) Support his dependents.

Sec. 4. The period of probation shall be determined by such courts and may at any time be modified or terminated by such courts. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, such courts,

by order duly entered, shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty, and the courts have discharged the defendant hereunder, such courts may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or plea of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 5. At any time during the period of probation such courts may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation and parole officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the request of the judge of such courts. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such probation and parole officer shall forthwith report such arrest and detention to such courts and submit in writing a report showing in what manner the probationer has violated his probation. Thereupon, the court shall cause the defendant to be brought before it and, after a hearing without a jury, may continue or revoke the probation and shall in such case proceed to deal with the case as if there had been no probation. If the defendant is arrested in a county or district in the State of Texas other than that in which he was convicted, the probation and parole officer, upon the written request of the sentencing judge, shall furnish such courts a report concerning said probationer, and such courts shall have authority after a hearing to continue or revoke probation and shall in such case proceed to deal with the case as if there had been no probation. In such case, the clerk of the court in which the order of revocation is issued shall forward a transcript of such order to the clerk of the court of original jurisdiction, and the clerk of that court shall proceed as if the order of revocation had been issued

by the court of original jurisdiction. Any probationer who removes himself from the State of Texas without permission of the Court placing him on probation or the court to which jurisdiction he has been transferred shall be deemed and considered a defendant is on probation shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction, as provided by law shall be accorded the probationer at the time he is placed on probation. When he is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a jail or penitentiary sentence he may appeal the revocation.

Sec. 6. If, for good and sufficient reasons, probationers desire to change their residence within or without the State, such transfer may be effected by application to their supervising probation and parole officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation and parole officer in the locality to which probationer is transferred.

Sec. 7. The Board of Pardons and Paroles created by the Constitution of this State in Section 11, Article 4 thereof, shall administer the provisions of this Act and shall act as the State Board of Probation as authorized by Section 11a, Article 4 of the Constitution of this State, and shall hereinafter be referred to as "the Board."

Sec. 8. Only those persons who by reason of their knowledge of and/or experience in penal treatment, public welfare, and the administration of criminal justice, and who are prepared to discharge efficiently the duties of the Board shall be eligible for such appointment.

For the purpose of certifying to the appointing authorities that applicants for appointment to said Board are eligible for such appointment, there is hereby created a nomination committee to be composed of five members as follows: Chairman of the Board of Public Safety, Chairman of the Prison Board, Chairman of the State Board of Public Welfare, and

two persons appointed to such committee having special knowledge of penal treatment and the administration of criminal justice, one by the Attorney General and one by the Governor. The members of the committee shall elect one of their number as chairman. The said committee shall provide for the receiving of applications for the position of member of the Board and may give consideration to other persons who have not made formal application and shall devise a plan for the determination, by examination and investigation, of the qualification of those persons. From such examinations and investigations, said committee shall compile a list of not more than ten persons eligible for said position of member of the Board and said list shall expire at the end of two years. The Examining Board shall rank such eligibles on the list in the order of their relative fitness as determined by examination and investigation. The appointing authorities may make each appointment to the position of member of the Board of Pardons and Paroles from not less than three nor more than the five eligibles having highest rank on said list and a member so appointed shall be eligible for reappointment without further certification from said committee.

Sec. 9. The members of the Board shall give full time to the duties of their office and shall be paid a salary of Six Thousand (\$6,000) Dollars annually. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

Sec. 10. The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

The Board shall keep a record of its acts and shall notify each institution of its decisions relating to the persons who are to have been confined therein. At the close of each fiscal year the Board shall submit to the Governor and the Legislature a report with statistical and other data of its work.

All minutes of the Board and decisions relating to parole, pardon and clemency shall be matters of public record and subject to public inspection at all reasonable times.

Sec. 11. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissioners, bureaus and offices of the State.

Sec. 12. The Board is hereby authorized to release on parole with the approval of the Governor any person confined in any penal or correctional institution in this state, except persons under sentence of death, who has served one-third of the maximum sentence imposed, provided that in any case he may be paroled after serving fifteen years. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

Within one year after his admission and at such intervals thereafter as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made.

Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

The Board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct of parole hearings, or conditions to be imposed upon paroles. Whenever an order for parole is issued it shall recite the conditions thereof.

It shall be the duty of the Board at least ten (10) days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the Sheriff, the District Attorney and the District Judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

If no probation and parole officer has been assigned to the locality where a person is to be released on parole or executive clemency the Board shall notify the chairman of the Volunteer Parole Board of such county prior to the release of such person. The Board shall request such Volunteer Parole Board, in the absence of a probation and parole officer for information which would herein be required of such duly appointed probation and parole officer. This shall not, however, preclude the Board from requesting information from any agency in such locality.

Sec. 13. It shall be the duty of any Judge, District Attorney, County Attorney, police officer or other public official of the state, having information with reference to any prisoner eligible for parole, to send in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

Sec. 14. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 15. The Board shall formulate rules as to the submission and presentation of information and/or arguments to the Board for and in behalf of any parolee under the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit their statements in writing and not otherwise, and shall submit therewith an affidavit stating whether any fee had been paid or is to be paid for

their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 16. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by any sheriff, constable, police, parole or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions, upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 17. When a prisoner is placed on parole or released through executive clemency he shall receive, if needed, civilian clothing and transportation to the place within the State in which he is to reside and at the discretion of the Board he may be paid not to exceed Twenty-five (\$25.00) Dollars for his temporary maintenance. All such clothing, transportation and advancement for maintenance shall be paid out of the "Discharge Convicts Revolving Fund" of the Texas Prison System.

Sec. 18. The Board shall have the power and duty to make rules for the conduct of persons heretofore or hereafter placed on parole by the Board and for the investigation and supervision of such person.

Sec. 19. The Board is hereby authorized, at any time in its discretion and upon a showing of probable violation of parole, to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled. Such warrant shall author-

ize all officers named therein to return such paroled prisoner to actual custody in the penal institution from which he was paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the prisoner shall remain incarcerated in such institution.

Any probation and parole officer or any other peace officer may arrest a parolee without a warrant when the parolee has, in the judgment of said parole and probation officer, or peace officer violated the conditions of his parole. The arresting officer shall present to the detaining authorities a statement in writing of the circumstances of violation. The arresting officer shall at once notify the Board of the arrest and detention of the parolee and shall submit in writing a report showing in what manner the parolee has violated the conditions of the parole.

A parolee for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the provisions of his parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 20. Any prisoner who commits a felony while at large upon parole and who is convicted and sentenced therefor may be required by the Board to serve such sentence after the original sentence has been completed.

Whenever a paroled prisoner is accused of a violation of his parole or information and complaint by a law enforcement officer and/or probation and parole officer he shall be entitled to be heard on such charges before the Board under such rules and regulations as the Board may adopt, providing however, said hearing shall be held within forty-five (45) days of the date of arrest and at a time and place set by the Board. When the Board has determined the matter it may revoke such parole or continue the original order of parole, or enter such other order as may be recommended.

When the prisoner's parole has been revoked, he may be required to serve the portion remaining of the sentence on which he was released on parole; such portion remaining to be calculated without audit for the time from the date of his release on parole to the date of his arrest or charge of parole violation.

Sec. 21. When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the Board that his final release is not incompatible with his welfare and that of society, the Board may make a final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in any case within a period of less than one year after the date of release on parole except that when the period of the maximum sentence imposed shall expire at an earlier date, then a final order of discharge must be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the said maximum sentence.

Sec. 22. On request of the Governor the Board shall investigate and report to the Governor with respect to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture and make recommendations thereon.

Sec. 23. Appropriations permitting, the Board shall prepare and conduct, or cause to be prepared and conducted, examinations for the position of Director of Probation and Parole and shall establish rules and regulations covering admission to such examinations. The Director shall be a person with training and experience in probation and parole work or other related form of case work. After such examinations, such Board shall appoint one of the three persons highest on the eligible list to serve as Director of Probation and Parole, and he shall serve until removed by the Board.

Said Director of Probation and Parole shall be the executive officer of the Board and shall have as his duty the supervision and direction of all adult probation and parole officers of the State and such other duties as are prescribed by this Act and by the Board. He shall, subject to the approval of the Board, divide the State into districts and assign probation



and parole officers to serve in the various districts and courts. He shall direct the work of the probation and parole officers and other employees; shall formulate methods of investigation, supervision, record keeping and reports; shall conduct training courses for the staff; and shall develop policies of probation and parole work. He shall perform such other duties as are prescribed by the Board not inconsistent with this Act.

Said Director of Probation and Parole shall be furnished offices and such assistants and expenses for the operation of his office and the discharge of his duties as are deemed necessary by the Board.

Sec. 24. Appropriations permitting, said Board shall prepare and conduct, or cause to be prepared and conducted, examinations for probation and parole officers and shall issue certificates showing that an applicant has passed the examination and indicating his position on the eligible list. All appointments of probation and parole officers shall be made from the eligible list by the Director of Probation and Parole, subject to and with the approval of the said Board. Rank and salary of said probation and parole officers and other employees shall be determined by the said Director of Probation and Parole, subject to and with the approval of the said Board.

Salaries of such probation and parole officers and other employees of the Board shall be paid out of the General Fund of the State of Texas in like manner as the salaries of other State officers are paid, and the necessary and reasonable expense of all probation and parole officers and other employees incurred in the performances of their duties and in the conduct of their offices, together with clerical assistants when deemed necessary by the Director of Probation and Parole and approved by the said Board shall be paid in like manner after such statements of such expenses have been approved by the Director of Probation and Parole.

Said probation and parole officers shall be assigned to courts and/or districts by the Director of Probation and Parole subject to and with the approval of said Board, provided that in the opinion of said Board a necessity exists for the appointment of

such probation and parole officers and money is available for salary and expenses of such probation and parole officers.

Such judges of courts to which probation and parole officers have been assigned shall have the power to request of the Board transfer or removal of such probation and parole officers from their courts for incompetency, misconduct, failure to carry out orders of the court, or neglect of duty. All removals and transfers shall be made by the Director of Probation and Parole for the same reasons hereinabove stated subject to the approval of the said Board.

Sec. 25. The commissioners' court in each county in which a probation and parole officer serves shall, upon request of the Director of Probation and Parole, provide in or near the building housing the criminal courts office space for such officer.

Sec. 26. Said probation and parole officers shall investigate all cases referred to them for investigation by any court in which they are authorized to serve or by the Director of Probation and Parole or by the Board and shall report in writing thereon to the court, the Director of Probation and Parole or to the Board, as the case may be. They shall supervise persons who reside within the district served by them who are placed on probation by any court in which they are authorized to serve. They shall supervise persons who reside within the district who have been placed on parole or on conditional pardon, reprieve or furlough by the Governor or the Board.

They shall furnish to each person placed under their supervision information concerning the conditions of his release and shall instruct him regarding the same. Such officers shall keep informed concerning the conduct and condition of each person under their supervision by visiting, requiring report thereon in writing or orally as often as may be required.

Such officer shall use all practical and suitable methods, not inconsistent with the conditions imposed by the court or the Director of Probation and Parole or the Board, to aid and encourage persons on probation or pa-

role to bring about improvement in their conduct and condition.

Sec. 27. When there are two or more probation and parole officers appointed for one district, one may be designated by the appointing authority as "chief probation and parole officer" and the others as "assistant probation and parole officers." In addition to his duties as probation and parole officer such chief probation and parole officer shall direct the work of all probation and parole officers serving in such districts.

Sec. 28. Probation and parole officers duly appointed by the Board as herein provided are hereby vested with all the powers of police or sheriffs to make arrests or perform any other duties required of policemen or sheriffs which may be incident to such probation and parole officers' duties.

Sec. 29. All information and data obtained in the discharge of official duty by any probation or parole officer or employee, or member of the Board shall be privileged information, shall not be receivable as evidence in any court as to the guilt or innocence of a defendant and shall not be disclosed directly or indirectly to anyone other than to the Judge or Board.

Nothing in this section shall be construed to prevent a probation and parole officer from cooperating with all law enforcement officers, social agencies, and welfare departments, in furnishing information or receiving information concerning a probationer or parolee.

Sec. 30. The provisions of this Act are hereby extended to all persons who, at the effective date thereof are eligible to be placed on parole under the terms of this Act with the same force and effect as if this Act had been in operation at the time of such persons becoming eligible to be placed on parole.

Sec. 31. For the purpose of determining when fees are to be paid to any officer or office, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

Sec. 32. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency

vested in him by the Constitution of the State.

Sec. 33. The provisions of this Act shall not apply to parole from institutions for juveniles.

Sec. 34. Article 6203 of the Revised Civil Statutes of Texas of 1925 as amended is hereby repealed and all laws or parts of laws in conflict herewith are repealed insofar only as they conflict with the provisions of this Act.

However, nothing in this Act shall be construed as repealing Article 776, through 781 of Vernon's Annotated Statutes, Code of Criminal Procedure; commonly known as the Suspended Sentence Law.

Sec. 35. If any section, paragraph, part, sentence, clause or phrase of this Act shall be held unconstitutional, it shall not affect the validity of the remainder, and the Legislature hereby declares that it would have passed each and every section, paragraph, part, sentence, clause and phrase of this Act severally.

Sec. 36. This Act shall be cited as the Adult Probation and Parole Law, and, when used in this Act, unless the context otherwise requires, the following definitions shall apply:

(a) The "courts" means the court of record having original criminal jurisdiction;

(b) The "judge" means the judge of a court of record having original criminal jurisdiction;

(c) The "board" means the Board of Pardons and Paroles;

(d) The "probation and parole officer" means the duly appointed officer of the Board of Pardons and Paroles;

(e) The "director" means the Director of Probation and Parole, duly appointed by the Board of Pardons and Paroles;

(f) A "probationer" means a defendant placed on probation by courts of record having original criminal jurisdiction;

(g) A "parolee" means a person released by the Board of Pardons and Paroles from confinement in any penal or correctional institution of the State of Texas under certain conditions and regulations;

(h) "Parole" means release of a prisoner granted by the Board after the prisoner has served a part but not all of his term to be served at liberty under the supervision of the Board;

(i) "Executive Clemency" means pardon, commutation of sentence relieve, remission of fine or forfeiture granted by the Governor or any of these, but not parole or any form of parole;

(j) "Probation" means release of convicted defendant by a court under conditions imposed by the Court;

(k) The singular includes the plural, the plural the singular, and the masculine the feminine when consistent with the intent of the Act.

Sec. 37. The fact that the people of Texas, by a majority vote at the polls, have written in the Constitution of this State an amendment authorizing the courts of Texas to suspend the imposition or execution of sentence and to place the defendant upon probation, that this is a forward-looking step in the administration of justice; that necessity exists for an enabling act to put such amendment into effect; the fact that the people of Texas by a majority vote at the polls have written into the Constitution of the State an amendment authorizing the Legislature to regulate procedure before the Board of Pardons and Paroles and to enact parole laws; that closer supervision is needed of persons on parole from the Texas Prison System and that thereby the best interests of the public will be served, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three successive days in each House be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

## Yeas—15

Brown	Moffett
Bullock	Morris
Crawford	Phillips
Hazlewood	Proffer
Jones	Stanford
Kelley of Hidalgo	Stewart
Knight	Tynan
Lane	

## Nays—9

Aikin	Strauss
Chadick	Taylor
Hardeman	Weinert
Harris	Winfield
Kelly of Tarrant	

## Absent

Carney	Ramsey
Cousins	Vick
Parrish	York

## House Bill 557 on Second Reading

On motion of Senator Harris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 557, A bill to be entitled "An Act to appropriate money out of the State Treasury to pay a judgment in favor of Roy B. Wadsworth against the State of Texas and the State Highway Commission for the settlement of Thirty-six Hundred Dollars (\$3600) with interest in the sum of One Thousand and Eighty Dollars (\$1080); and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 557 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 557 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

## Absent

Carney	Ramsey
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Report of Conference Committee on House Bill 807**

Senator Taylor submitted the following report:

Austin, Texas,  
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 807, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

TAYLOR  
HARDEMAN  
KNIGHT

On the part of the Senate.

GILMER  
FLY

SETERFITT

On the part of the House.

By Gilmer

H. B. No. 807

**A BILL**

**To be Entitled**

"An Act relating to the salaries of all State Officers except the salaries and other compensation of District Judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; and specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. The salaries of all State Officers and all State employees, except those Constitutional State Officers whose salaries are specifically fixed by the Constitution, and except the salaries of the District Judges and other compensation of District Judges shall be, for the period beginning September 1, 1947, and ending August 31, 1949, in such sums or amounts as may be provided for by the Legislature in the general appropriation bills. It is specifically

declared to be one of the intents hereof that the Legislature shall also fix the amount of supplemental salaries hereafter, out of Court fees and receipts, to be paid to the clerks and other employees of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals.

Sec. 2. All laws and parts of laws fixing the salaries of all State Officers and employees, except those Constitutional State Officers whose salaries are specifically fixed by the Constitution and except the salaries of the District Judges and other compensation of District Judges are hereby specifically suspended in so far as they are in conflict with this Act. It is specifically declared to be one of the intents hereof that any and all laws authorizing payment of supplemental salaries from Court receipts and fees to clerks and other employees of the Court of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals are suspended in so far as they are in conflict with this Act.

Sec. 3. The facts that salaries of many State Officers and employees were fixed by Statute, and that these Statutes hamper the Appropriations Committees of both Houses of the Legislature in adjusting the salaries of said officers and employees in their efforts to balance the State's budget, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

## Absent

Carney

Ramsey

**Motion to Place House Joint Resolution 4 on Second Reading**

Senator Aikin moved to suspend the Senate rule requiring Joint Resolutions to be read on three several days and that H. J. R. No. 4 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—17

Aikin	Kelly of Tarrant
Brown	Knight
Bullock	Lane
Chadick	Morris
Crawford	Parrish
Hardeman	Phillips
Hazlewood	Proffer
Jones	Vick
Kelley of Hidalgo	

## Nays—11

Cousins	Taylor
Harris	Tynan
Moffett	Weinert
Stanford	Winfield
Stewart	York
Strauss	

## Absent

Carney

Ramsey

**House Bill 870 on Second Reading**

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 870, A bill to be entitled "An Act exempting from taxation institutions or organizations known as Girl Scouts of America, or local organizations of or affiliated with the Girl Scouts of America; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 870 on Third Reading**

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 870 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

## Absent

Carney

Ramsey

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Lane
Brown	Moffett
Bullock	Morris
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield

## Absent

Carney

Ramsey

Parrish

York

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 200, Suspending the twenty-four hour Joint Rules in order that the House may take up and consider House Bill No. 343, House Bill No. 504 and House Bill No. 846.

H. C. R. No. 203, Suspending the twenty-four hour Joint Rules so that the House may take up and consider H. B. No. 39.

H. C. R. No. 205, Suspending the Joint Rules so that Senate Bills Nos. 427, 242, 294, 363 and 441 may be considered during the last twenty-four hours.

H. C. R. No. 204, Suspending the Joint Rules so that the House may take up and consider S. B. No. 426.

H. C. R. No. 201, Suspending the Joint Rules of both Houses so that Senate Joint Resolution No. 14 may be acted upon at any time.

H. C. R. No. 197, Suspending the Joint Rules so that both Houses may consider H. B. No. 841.

S. B. No. 440, Amending House Bill No. 919, Chapter 50, page 800, Special Laws 1939, Regular Session, 46th Legislature, Sections 1 and 2, as amended by Senate Bill No. 128, Acts 1947, 49th Legislature, regulating and providing for the taking of minnows in Erath and Hood Counties for personal use by residents of said counties on their own premises, etc., and declaring an emergency."

S. B. No. 376, Creating a State Park in Washington County, Texas, to be known as "Independence State Park," etc., and declaring an emergency.

S. B. No. 430, Authorizing C. H. Harrison of Waco, Texas to bring suit against the State of Texas or the Texas State Highway Department or the State Highway Commission, to recover damages for alleged breach of contract by the State of Texas and the Texas State Highway Department in the construction of a bridge across the Leon River in Bell County, Texas on State Highway 317; and declaring an emergency.

H. C. R. No. 202, Suspending the Joint Rules so that each House may take up and consider House Bill No. 822.

H. C. R. No. 206, Recalling House Bill No. 250 from the office of the Governor in order that the Enrolling Clerk of the House may change the

word "made" in line 1 of Section 6 to "make."

H. C. R. No. 196, Suspending the Joint Rules so that both Houses may consider Senate Bill No. 354.

H. C. R. No. 194, Suspending the Joint Rules so that the House may take up and consider Senate Bill No. 330.

The House has concurred in Senate amendments to House Bill No. 27 by a viva voce vote.

The House has concurred in Senate amendments to House Bill 888 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 521 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 120 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 154 by a viva voce vote.

H. B. No. 18, A bill to be entitled "An Act relating to Veterans' Affairs; declaring a need for and creating a Board of Veterans' Affairs with organization, powers and duties prescribed; providing for the appointment, qualifications and compensation of an Executive Director and two (2) Assistant Directors and Claims Specialists and prescribing their powers and duties; and providing for the employment of needed personnel, and fixing the salaries of all employees; making an appropriation; repealing the State Veterans' Service Office Law and all laws in conflict with this Act, and transferring property of Veterans' State Service Office to the Board of Veterans' Affairs; providing a savings clause and declaring an emergency."

S. C. R. No. 58, Suspending the Joint Rules so that the House may take up and consider Senate Bill No. 426.

H. C. R. No. 192, Suspending the Joint Rules so the House may take up and consider S. B. No. 239.

H. C. R. No. 193, Suspending the Joint Rules in order that the Senate may take up and consider H. J. R. No. 3.

H. C. R. No. 195, Suspending the Joint Rules so that H. J. R. No. 4

may be considered by either House at any time.

The House has refused to pass S. C. R. No. 59, relative to suspending the rules for Senate Bill No. 406.

Respectfully submitted,  
CLARENCE JONES,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution 206

On motion of Senator Parrish, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 206, Recalling H. B. No. 250 from the Governor's office.

The resolution was read and was adopted.

#### House Concurrent Resolution 205

On motion of Senator Taylor, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. C. R. No. 205, Suspending Joint Rules to consider S. B. Nos. 427, 242, 294, 363 and 441.

The resolution was read and was adopted.

#### Senate Bill 215 With House Amendments

Senator Proffer called S. B. No. 215 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Proffer moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Proffer, Aikin, Stanford, Knight and Crawford.

#### House Bill on First Reading

The following House bill received from the House today was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 18, To Committee on Veterans' Affairs.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 223 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following conference committee has been appointed on the part of the House: Gilmer, Fly, Crosthwait, Celaya, Smith of Hays.

The House has granted the request of the Senate for a conference committee on S. B. No. 215.

The following have been appointed on the part of the House: Lock, Blount, Smith of Jack, Wright, Still.

#### Conference Committee on House Bill 223

Senator Kelley of Hidalgo called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 223 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Carney, Kelley of Hidalgo, Phillips, Tynan, and Bullock.

#### Report of Standing Committee

By unanimous consent, the following committee report was submitted at this time:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Veterans' Affairs, to whom was referred House Bill No. 18, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed,

CRAWFORD, Chairman.

# Report of Conference Committee on Senate Bill 215

Senator Proffer submitted the following report:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 215, have met and had the same under consideration and recommend that Senate Bill No. 215 be passed in the form attached hereto.

Respectfully submitted,  
PROFFER  
STANFORD  
KNIGHT  
CRAWFORD  
AIKIN

On the part of the Senate.

LOCK  
BLOUNT  
STILL  
SMITH  
WRIGHT

On the part of the House.

## A BILL

### To Be Entitled

"An Act amending Article 2843, Revised Civil Statutes, 1925, Acts of 1941, Forty-seventh Legislature, Regular Session, H. B. No. 312, providing for the adoption of textbooks for use in the public schools of the State on the subject of driver education and safety; providing for the adoption of a multiple list of textbooks for use in the public high schools of the State; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts hereof; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. Amend Article 2843, Revised Civil Statutes, 1925, Acts of 1941, Forty-seventh Legislature, Regular Session, H. B. No. 312, so that it shall hereafter be and read as follows:

"The Textbook Commission (State Board of Education) authorized by this Act shall have authority to select and adopt a uniform system of textbooks to be used in the public free

schools of Texas, and the books so selected and adopted shall be printed in the English language, and shall include and be limited to textbooks on the following subjects: spelling, reading, English language and grammar, geography, arithmetic, physiology-hygiene, civil government, driver education and safety, vocal music, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, a system of drawing books, and may also, if deemed necessary, adopt a geography of Texas and a civil government of Texas; provided that none of said books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin, or Greek in any of the public schools.

"Said Textbook Commission (State Board of Education) shall also adopt a multiple list of books for use in the high schools of the State, said multiple list including not fewer than three (3) nor more than five (5) textbooks on the following subjects: algebra, plane geometry, solid geometry, general science, biology, physics, chemistry, a one-year general history, ancient history, modern history, American history, Latin, Spanish, physical geography, driver education and safety, vocal music, English composition, history of American literature, history of English literature, physiology, agriculture, and civil government, and for each high school branch of study any one or several of the textbooks of said multiple list adopted for the subject may be selected; providing that the State Board of Education is authorized and shall have the authority by an affirmative vote of at least six (6) of its members, called for the purpose of considering adoptions, to adopt for use of the public high schools one (1) or more not to exceed five (5) texts for each high school grade wherein the subject is taught, texts for any subject accredited by the State Accrediting Committee, which subject is being taught to as many as ten thousand (10,000) Texas public high school children; provided, however, that the several textbooks selected may not be supplied to local systems in an amount



greater than the equivalent of one textbook for each pupil enrolled in such a branch of study in each school system, but when such book or books is or are so chosen by local authorities from the multiple list adopted, such book or books shall be continued in that high school for the entire adoption period, or a minimum of five (5) years. Provided, however, that the multiple list herein provided for shall apply to all high schools classed by the Department of Education as high schools of the first class. For use in all other high schools a uniform system of textbooks on each subject mentioned above shall be selected by the Commission; provided, that in any city or independent school district having more than one high school of the first class said city or independent school district shall adopt from said multiple list for use in each of said high schools the same books and shall use said books so adopted for a period of not less than five (5) years.

"Textbooks for subjects for which there is not sufficient demand from schools, based upon enrollments and requisitions, may be dropped from the list of adoptions upon an affirmative vote of six members of the State Board of Education.

"Specific rules as to the manner of the selection of books by the high school shall be made by the State Textbook Commission (State Board of Education).

"The Commission (State Board of Education), as herein provided for, shall adopt textbooks in accordance with the provisions of this Act for every public free school in this State. The commission shall prescribe rules under which all textbooks adopted and approved shall be introduced or used by or in the public schools of the State.

"In the event as many as three suitable texts are not offered for adoption on any one subject, the Commission may select fewer than three (3) texts.

"Existing contracts shall not be affected by any adoptions made under this Act."

Sec. 2. All laws or parts of laws, both general and special, in conflict with any of the provisions of this Act are hereby repealed in so far as and to the extent that such laws conflict with any of the provisions of this Act.

Sec. 3. In the event any sentence,

paragraph, section or other part of this Act be held unconstitutional or void, it is hereby declared to be the legislative intent that all other parts of this Act shall notwithstanding such holding have full force and effect according to their purpose and intent.

Sec. 4. The importance of this legislation and the fact that no free textbooks are provided in the subject of driver education and safety in the high school for the many thousands of pupils attending the public schools of this State and the fact texts are not now being provided for many high school accredited subjects that are generally taught in Texas public high schools creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### House Bill 18 on Second Reading

Senator Phillips moved to suspend the constitutional rule requiring bills to be read on three several days and that House Bill No. 18 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Lane
Brown	Moffett
Bullock	Morris
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield

#### Absent

Carney	Ramsey
Parrish	York

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 18, A bill to be entitled

"An Act relating to Veterans' Affairs; declaring a need for and creating a Board of Veterans' Affairs with organization, powers and duties prescribed; providing for the appointment, qualifications and compensation of an Executive Director and two (2) Assistant Directors and Claims Specialists and prescribing their powers and duties; and providing for the employment of needed personnel, and fixing the salaries of all employees; making an appropriation; repealing the State Veterans' Service Office Law and all laws in conflict with this Act, and transferring property of Veterans' State Service Office to the Board of Veterans' Affairs; providing a savings clause and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 18 on Third Reading

The President then laid H. B. No. 18 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lane
Brown	Moffett
Bullock	Morris
Chadick	Phillips
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Taylor
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield

Absent

Carney	Proffer
Cousins	Ramsey
Parrish	York

#### Report of Conference Committee on House Bill 154

Senator Chadick submitted the following report:

Austin, Texas,  
May 21, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to

adjust the differences between the Senate and the House of Representatives on House Bill No. 154, have met and had same under consideration and recommend that House Bill No. 154 be passed in the form attached hereto.

Respectfully submitted,

CHADICK

MORRIS

KELLEY of Hidalgo

On the part of the Senate.

SUITER

SOUTH

FERTSCH

KILGORE

On the part of the House.

By Suiter

H. B. No. 154

A BILL

To Be Entitled

"An Act amending the provisions of Article 1995, Subsection 9 of the Revised Civil Statutes of Texas, 1925; repealing all laws or parts of laws in conflict with such Section of said Article as hereby amended; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 1995, Subsection 9 of the Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so that hereafter it shall read as follows:

"Article 1995.

"9. Crime or Trespass. A suit based upon a crime, offense, or trespass may be brought in the county where such crime, offense, or trespass was committed, whether committed by the defendant or by his agent or representative, or in the county where the defendant has his domicile."

Sec. 2. This Act shall not apply to any suit or action pending in any court of this State upon the effective date of this Act.

Sec. 3. All laws or parts of laws in conflict with this amended Section are hereby repealed.

Sec. 4. The importance of this legislation and the urgent need of the reforms to be effected hereby, create an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring that all bills be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

**Report of Conference Committee on House Bill 223**

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 223, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

KELLEY of Hidalgo  
BULLOCK  
TYNAN  
PHILLIPS

On the part of the Senate.

GILMER  
CELAYA  
SMITH of Hays  
FLY

On the part of the House.

By Gilmer, Willis of Tarrant  
H. B. No. 223

**A BILL  
To Be Entitled**

"An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in this State at any time; to take, kill or trap any fur-bearing animal in this State; to take, attempt to take any fresh water fish in this State by any means or method; prescribing the legislative policy with respect to the wildlife resources of this State; conferring upon the Game, Fish and Oyster Commission power and authority to regulate, by proclamation, order, rule or regulation, the taking of the wildlife resources of this State, requiring the Game, Fish and Oyster Commission to make investigations with respect to the depletion and waste of the wildlife resources of the State; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of the State; defining depletion and waste; providing for the issuance of the doe deer and antelope and elk per-

mits; providing for the adoption of proclamations, orders, rules and regulations of the Game, Fish and Oyster Commission; providing for the effective period of regulations; providing the publication of the regulations; providing that the powers of the Commission are not limited; providing venue for suits to test the validity of this Act and of the rules and regulations of the Commission; providing a penalty for false swearing; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. Legislative Policy. It shall be unlawful except as provided in this Act, for any person to hunt, take, kill or possess, or attempt to hunt, take or kill any game bird or game animal in this State at any time; or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in this State at any time; or to take or attempt to take any fresh water fish by any means or method in this State at any time. In order to better conserve an ample supply of the wildlife resources in this State, to the end that the most reasonable and equitable privileges may be enjoyed by the people of this State and their posterity in their ownership and in the taking of such resources, it is deemed for the public welfare that this Legislature should provide a law adaptable to changing conditions and emergencies which threaten depletion or waste of wildlife resources of this State. The Game, Fish and Oyster Commission is therefore granted the authority, power and duty to provide, by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources of this State, when its investigation and findings of fact disclose there is an ample supply of such wildlife resources that a portion thereof may be taken which will not threaten deple-

tion or waste of such supply. It shall also, by proclamation, rule or regulation, from time to time, provide the means and the method and the place and the manner in which such wildlife resources may be lawfully taken.

Sec. 2. Regulatory Power. It shall be the duty of the Game, Fish and Oyster Commission to conduct, from time to time, continuous scientific research investigations and studies of the supply, economic value, environment, breeding habits, and so far as possible the sex ratio of the different species of game birds, game animals, fur-bearing animals, fresh water fish, as well as the factors affecting their increase or decrease, particularly with reference to hunting, trapping, fishing, disease, infestation, predation, agricultural pressure, overpopulation, and any and all other factors that enter into a reduction or an increase in the supply of such wildlife resources. Pursuant to and based upon such studies, said Commission shall enter its findings of fact with respect thereto and, if, in the opinion of the Commission, an open season or period of time may be safely provided for any of the wildlife resources of this State, said Commission is authorized and directed from time to time, to provide an open season or period of time when such wildlife resources may be taken. The proclamation, rule or regulation issued by the Commission shall be specific as to the quantity, species, sex, age or size that may be taken. Such proclamation, rule or regulation shall provide the method or means that may be resorted to as well as the area, county or portion of the county where such wildlife resources shall be taken. In order to prevent depletion or waste of the wildlife resources of this State, the Game and Fish and Oyster Commission shall have authority, from time to time, by proclamation, rule or regulation to conserve the wildlife resources of this State by an open season or period of time when it shall be lawful to take a portion of such wildlife resources of this State. Provided that none of the provisions of this Act shall apply to the taking of any fish or other marine life from the tidal waters of this State.

Provided further that this Act shall not repeal the existing laws regulating the open season, bag limits or means and methods of taking squir-

rels, quail or any of the furbearing animals of this State.

Sec. 3. Facts to Support Order. When said Commission shall find, from its investigations herein provided for, that danger of depletion, as defined in this Act, of any species of fresh water fish, game bird, game animal or fur-bearing animal, exists in any portion of this State, it shall be the duty of said Commission to revoke or modify or otherwise amend its order or orders so as to deter or prevent contribution to depletion of such species by the taking thereof. When said Commission shall find that danger of waste, as defined in this Act, of any of such species of fresh water fish, game bird, game animal or fur-bearing animal, or sex thereof, exists in any portion of this State, it shall be the duty of said Commission to issue or amend or revoke or modify such of its rules and regulations as will afford to all of the people of this State the most equitable and reasonable privileges in the pursuit, taking or killing of such species or sex thereof in said area. Provided, further, that when said commission shall find that danger of depletion exists in any area by virtue of an act of God, such as from flood, hurricane, fire, or drouth, said Commission shall declare a state of emergency as to such species in such area, and its orders, rules and regulations issued under such state of emergency shall take effect and be in full force immediately upon issuance thereof.

Sec. 4. "Depletion" Defined. "Depletion" as used in this Act shall be construed to mean reduction of a species below immediate recuperative potentials by any deleterious cause or causes.

Sec. 5. "Waste" Defined. "Waste" as used in this Act shall be construed to mean supply of a species or sex thereof sufficient that a seasonal harvest thereof will not prevent, or in the case of over-population, that will aid in, the re-establishment of normal numbers of such species.

Sec. 6. Killing and Taking Doe Deer. Said Commission shall not issue its regulation authorizing the hunting of doe deer in any area until the owner or person in charge of such area shall have agreed in writing to the following: to the removal by hunting of such doe deer from his tract under supervision and regula-

tions of said Commission; and to the number of doe deer which may be removed therefrom under sound wildlife management practices and it is further provided that any person holding a legal hunting license shall attach the deer tag or tags to doe deer killed or taken in the season and place designated by the Game, Fish and Oyster Commission.

Sec. 7. Antelope and Elk Permits. It shall be unlawful for any person to hunt, or attempt to hunt or take, any prong-horned antelope or wild elk until he has first obtained a currently valid hunting permit therefor, and for which he has paid a sum of Five Dollars (\$5). Whenever said Game, Fish and Oyster Commission shall have issued its rule, regulation or order permitting the hunting of such species, and regulating the number which may be taken and the area on which such species may be hunted, under the provisions of this Act, such permits shall be available to applicants in such way as to give all applicants an impartial opportunity to obtain such permit to the extent of the total number issued. No person shall receive more than one (1) permit. Each permit shall designate the area on which such permittees may hunt.

Sec. 8. Adoption of Regulations. Orders, rules and regulations shall be adopted by the quorum of said Commission, and only at any regular or special Commission meeting or meetings of the date and time of which each Commissioner shall have been notified in writing by the executive secretary of said Commission (or his assistant in his absence) and such meetings for such purpose shall be held only in said Commission's offices at Austin, Texas. Any person interested shall be entitled to be heard at such meetings and to introduce evidence as to imminence of waste or depletion, as defined in this Act. Provided that four (4) members, or the Chairman and three (3) members of said Commission shall constitute a quorum; and provided further that no order, rule or regulation, general or local, shall be adopted at any regular or special meeting of the Commission unless and until a quorum is present.

Sec. 9. Effective Period of Regulations. Orders, rules and regulations adopted by said Commission shall become effective ten (10) days after

their adoption, except in case of emergency as provided in this Act, and shall continue in full force and effect until they shall expire by their own terms, or are revoked or amended by said Commission.

Sec. 10. Publication of Regulations. Immediately after the adoption a copy of each order, rule or regulation adopted by said Commission, shall be numbered and filed in its office in Austin, Texas; and a copy thereof shall be filed in the office of the Secretary of State, and the office of each County Clerk and each County Attorney in this State, and a mimeographed copy shall be furnished to each employee of said Commission.

Sec. 11. Powers not Limited. Said Commission shall be vested with broad discretion in administering this Act, and to that end shall be authorized to adopt any and all reasonable rules, regulations or orders, general or local, which it finds are necessary and proper to effectuate the provisions and purposes of this Act. The particular regulatory powers herein granted to said Commission shall not be construed to limit other and general powers conferred by law. It is further provided that said Commission shall have full authority to cooperate with adjoining States in the regulation and issuance of fishing licenses in rivers or lakes that are or may be boundary lines between Texas and adjoining States.

Sec. 12. Suits to Test the Validity. The Game, Fish and Oyster Commission is hereby expressly given the power and authority to review its own orders and to modify or revise the same as it shall find the facts to warrant. Any suit that may be filed to test the validity of this Act as well as any proclamation, order, rule or regulation of the Commission, passed pursuant to this Act, must be brought in Travis County, Texas, and not elsewhere. Such suit shall be advanced by trial and determined as quickly as possible. In all such trials the burden of proof shall be upon the party complaining of such law, proclamation, rule or regulation to show it is invalid.

Sec. 13. Affidavits and False Swearing. Any game and fish warden of this State is hereby authorized to take the affidavit of any person concerning or involving violation of any rule, regulation or order of the Commission promulgated under the pro-

visions of this Act, and for such purpose is authorized to administer oaths. It shall be the duty of any person when requested by a game warden to file affidavit concerning any facts within such person's knowledge as to violation of any Commission rule or regulation, provided no person shall be required to make affidavit of any fact that might incriminate the person making such affidavit. Any person, who, in making any affidavit as authorized and provided in this Act, shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and punished in accordance with the provisions of Article 310, Penal Code, 1925.

Sec. 14. Penalty. (a) Any person who shall violate any provision of this Act, or any person who shall violate any proclamation, order, rule or regulation issued by the Game, Fish and Oyster Commission under the provisions of this Act shall be deemed guilty of misdemeanor, and upon conviction therefor, shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200). Each game bird, game animal, fur-bearing animal, fresh water fish taken or possessed in violation of this Act, or of any proclamation, order, rule or regulation issued by said Game, Fish and Oyster Commission, shall constitute a separate offense.

(b) Any person convicted of violating this Act or any proclamation, order, rule or regulation of the Game, Fish and Oyster Commission under the provisions of this Act relating to fishing in any manner, shall automatically forfeit his fishing license for the remainder of the license year and he likewise forfeits his right to fish for such period; or, if convicted of violation of this Act or any proclamation, order, rule or regulation of the Game, Fish and Oyster Commission relating to hunting, shall automatically forfeit his hunting license for the remainder of the license year and shall likewise forfeit his right to hunt for such period.

(c) Any person convicted of violation of this Act or any proclamation, order, rule or regulation of the Game, Fish and Oyster Commission under the provisions of this Act relating to fur-bearing animals, shall automatically forfeit his trapping or dealer's license for the remainder of the license year and shall likewise forfeit his

right to trap or act as a dealer for such period.

(d) No person who has automatically forfeited his license under this Act shall be entitled to purchase or receive from said Commission, or any of its authorized agents, a similar license for such period and it shall be unlawful for such person to purchase or possess another such license for such period. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200).

Sec. 15. Wildlife Resources Defined. For the purpose of this Act, the wildlife resources of this State are defined to be all the game birds and game animals, fur-bearing animals of all kinds, collared peccary, commonly called javelina, fresh water fish of all kinds.

Sec. 16. Repealing Clause. All laws and parts of laws, both special and general, prescribing an open season or period of time when it shall be lawful to take or kill any of the wildlife resources of this State, together with all laws, prescribing a closed season for such killing or taking, as well as, all laws or parts of laws, special and general, providing for open waters or closed waters and all laws or parts of laws, special and general, prescribing or limiting the method or means or manner in which any of the wildlife resources of this State are taken, be, and same are hereby repealed. Any and all laws, special and general, in conflict with the provisions of this Act are likewise hereby repealed. Provided, however, nothing herein contained shall be construed to affect, repeal or amend any general or special game law now in effect in regard to the taking of fish and other marine resources from the tidal waters of the State of Texas nor shall the same be construed as to permit the opening or closing of any salt water bay by any rule or regulation of the Commission. Provided, however, this Act shall not repeal, or affect House Bill No. 474, as passed by the Fiftieth Legislature of Texas, commonly known as the Rabid Fox Bill.

Sec. 16-A. The resident of any county shall have the right to appeal from an order or regulation of the Commission in so far as such county

is concerned, to the Commissioners Court of said county and the action and order of such Commissioners' Court shall control and be subject to the same effect and interpretation as other orders of said Court.

Sec. 17. Effective Date of Act. This Act shall be in force and effect from and after September 1, 1947.

Sec. 17-A. Provided that this Act shall remain in full force and effect only for a period of four (4) years from its effective date of its passage.

Sec. 18. Saving Clause. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any section, word, clause, sentence or part of this Act shall be declared unconstitutional shall in no event effect any other section, word, clause, sentence or part thereof; and it is hereby declared to be the intention of the Legislature to have passed such sentence, section, clause or part thereof irrespective of the fact that any other section, sentence, clause or part thereof may be declared invalid.

Sec. 19. Emergency Clause. The fact that the present law does not adequately protect the wildlife resources of this State from depletion and waste and the further fact that the Calendars of both Houses of the Legislature are likely to become crowded, creates an emergency and an imperative public necessity authorizing the suspension of the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and said Rule is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the adoption of the report.

#### Committee to Notify the Governor and the House

Senator Aikin moved that the President appoint a committee to notify the Governor and a committee to notify the House that the Senate has completed its labors and is ready to adjourn sine die.

The motion prevailed.

Accordingly, the President appointed the following:

To notify the Governor: Senators Crawford, Strauss, Tynan, Stewart and Morris.

To notify the House: Senators Phillips, Hardeman, Proffer, Bullock and Cousins.

#### House Concurrent Resolution 192

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 192, Suspending Joint Rule to consider S. B. No. 239.

The resolution was read and was adopted.

(Senator Aikin in the Chair.)

Address by Congressman J. M. Combs

The Presiding Officer, Senator Aikin in the Chair, announced that Hon. J. M. Combs, Texas Congressman, was at this time present in the Senate.

The Presiding Officer then presented Senator Cousins, who introduced Judge Combs to the Senate.

Judge Combs then addressed the Senate briefly.

#### Senate Resolution 131

(Adopting Permanent Senate Rules)

Senator Harris called Senate Resolution No. 131 from the President's table for consideration at this time.

The resolution having been read second time on yesterday, with an amendment by Senator Brown pending.

Question—shall the amendment be adopted?

Senator Knight moved to table the amendment, by Senator Brown.

The motion to table prevailed by the following vote:

Yeas—17

Bullock	Kelley of Hidaigo
Cousins	Kelly of Tarrant
Crawford	Knight
Hazlewood	Moffett
Jones	Parrish

Phillips  
Proffer  
Stanford  
Stewart

Taylor  
Vick  
York

## Nays—7

Aikin  
Brown  
Chadick  
Hardeman

Harris  
Lane  
Strauss

## Absent

Carney  
Morris  
Ramsey

Tynan  
Weinert  
Winfield

Senator Chadick offered the following amendment to the resolution:

Amend rule resolution by striking out all of paragraph 13.

The amendment was adopted.

Senator Chadick moved to table Section 1 of the resolution.

The motion to table prevailed by the following vote:

## Yeas—13

Bullock  
Chadick  
Crawford  
Hardeman  
Jones  
Kelly of Tarrant  
Knight

Lane  
Phillips  
Proffer  
Strauss  
Vick  
York

## Nays—8

Aikin  
Brown  
Harris  
Hazlewood

Kelley of Hidalgo  
Moffett  
Stanford  
Taylor

## Absent

Carney  
Cousins  
Morris  
Parrish  
Ramsey

Stewart  
Tynan  
Weinert  
Winfield

Senator York offered the following amendment to the resolution:

Amend the resolution by striking out Section No. Two, and re-numbering the paragraphs to fit the correct and correspond to the number of sections.

The amendment was adopted.

Senator Chadick offered the following amendment to the resolution:

Amend paragraph 4, page 1 of the mimeographed resolution by striking out the quoted language, as follows: "but not more than one special order may be set for any one calendar day."

Senator Harris moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

On motion of Senator Harris, Section 5 of the resolution was stricken out.

(President in the Chair.)

Senator Aikin offered the following amendment to the resolution:

Amend Sec. 11 by adding the word "not" between the word "shall" and the word "thereafter" in line 3, on page 3.

The amendment was adopted.

On motion of Senator Harris, Section 13 of the resolution was stricken out.

The resolution as amended was then adopted.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 363, A bill to be entitled "An Act granting permission to The Steck Company, a Texas Corporation, to bring suit against the State of Texas and/or the State Board of Control and any other parties who may be proper or necessary in the prosecution of said suit, in a court of competent jurisdiction in Travis County, Texas, to ascertain and fix the amount, if any, due The Steck Company by reason of the delivery to and acceptance and use by the State Board of Control of 39,603,690 cigarette stamps belonging to The Steck Company; providing the usual rules of law and procedure to apply and that no admission of liability of the State of Texas is made by this act; providing



that process in such suit may be served upon the Governor of Texas and the Attorney General of Texas; providing that if any provisions of this act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

S. B. No. 426, To provide for the appointment of federal estate tax in those cases where the tax is measured in part by the interest of the surviving spouse in community property; and declaring an emergency.

H. B. No. 890, Declaring that the disastrous and destructive cyclone that occurred at the City of Higgins on the evening of April 10, 1947, is a case of great public calamity in the City of Higgins, etc., and declaring an emergency.

H. B. No. 891, Finding and declaring that the disastrous and destructive cyclone that occurred at the City of Glazier on the evening of April 10, 1947 is a case of great calamity in the City of Glazier, etc., and declaring an emergency.

The House has adopted the Conference Committee report on House Bill No. 807 by a vote of 120 yeas, 0 nays.

The House has adopted the Conference Committee report on Senate Bill No. 215 by a viva voce vote.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor today:

Austin, Texas,  
June 6, 1947.

To the Members of the Fiftieth Legislature.

Complying with H. C. R. No. 199, I am returning Senate Bill No. 428 to the Senate for correction.

Complying with H. C. R. No. 206, I am rereturning House Bill No. 250 to the House of Representatives for correction.

Respectfully submitted,  
BEAUFORD JESTER,  
Governor of Texas.

#### Senate Resolution 134

(Providing for Delegates to Council of State Governments)

Senator Harris offered the following resolution:

Whereas, The Council of State Governments is an active National organization which seeks to solve problems that arise between two States, or between groups of States, or between Regions within the United States, and also seeks to preserve State's Rights against the encroachment of Federal Agencies; now, therefore, be it

Resolved, That the Members of the Senate of the Fiftieth Legislature, are hereby authorized to attend any official meeting called by the Council of State Governments, as a representative of the Senate of the State of Texas, and that actual and necessary expenses incurred by said Members while in attendance at said meetings are hereby authorized to be paid out of the contingent expense fund; provided that this authorization shall not be for more than two Members of the Senate at any official meeting of the Council of State Governments; and provided further, that the President of the Senate shall designate the two Members who shall officially represent the Texas Senate at a particular meeting; and provided further, that itemized accounts of said actual and necessary expenses shall be filed with the Chairman of the Senate Contingent Expense Committee under oath; and be it further

Resolved, That the actual and necessary expenses of the Members of the Senate incurred for attendance at meetings called by a majority thereof, shall be paid from the contingent expense fund of the Fiftieth Legislature and that itemized accounts of such expenses shall be filed with the Chairman of the Senate Committee on Contingent Expenses under oath.

The resolution was read and was adopted.

**Senate Resolution 135**

(Expressing Appreciation to County and Precinct Chairmen)

Senator Taylor offered the following resolution:

Whereas, The Democratic Party in Texas has much to be proud of, and can point to an unbroken record of almost seventy-five years of service in the governmental affairs of this State; and

Whereas, The Honorable Allan Shivers, Lieutenant Governor of Texas, joined by all the Members of the Texas Senate, desire to pay especial tribute to County and Precinct Chairmen for their contribution to this outstanding record of achievement of the Democratic Party in Texas; and

Whereas, The Democratic County and Precinct Chairmen are elected by the vote of the people and are the designated party officials of each county; and

Whereas, These County and Precinct Chairmen serve their party well and faithfully with minimum pay, or no pay at all, and are in fact the "backbone" of the Democratic Party in Texas and by their example encourage others to remain faithful to Democratic principles and ideals; and

Whereas, Much of the enduring success of the Democratic Party in Texas is due to the unselfish and tireless work of these County and Precinct Chairmen; and

Whereas, County and Precinct Chairmen through their harmonious coordination of thought and effort have preserved democracy in Texas in its purest and most virile form; therefore, be it

Resolved, That Lieutenant Governor Shivers and the Texas Senate hereby desire to call attention to the fine work done by said County and Precinct Chairmen in Texas, and thus publicly express their appreciation for the work done by them, and in this manner pay a just and deserving tribute to this seldom publicized, but highly important leadership; and be it further

Resolved, That a copy of this Resolution be mailed to each Democratic County Chairman of Texas, with the request that it be read at the next meeting of the County Executive Committee over which he presides.

The resolution was read and was adopted.

**Report of Gas Investigating Committee**

Senator Chadick submitted the following report:

Austin, Texas,  
June 5, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: The committee formed by the 49th Legislature pursuant to Resolution 86 has concluded its investigation and begs to make the following report.

Because of the limited time and facilities, the investigation was restricted in scope to the topics hereinafter reported on. The investigation was thorough and exhaustive within its scope.

**FINDINGS OF FACT****Gas Production****I.**

As reported to Railroad Commission for the first six months of 1946, production and operations of gas utilized for lights, fuel, repressuring and lease use are as follows:

1. 4,702 producing gas wells in Texas.

2. 900,000,000,000 (billions) cubic feet of sweet dry gas produced.

3. 136,900,000,000 (billions) cubic feet total dry gas produced.

4. 1,037,249,138,000 (trillion) cubic feet total dry gas produced.

5. The above total amount, 21.79% went to pipe lines for lights and fuel; 3.12% for lease operations and drilling; 3.13% to gas lift; 32.53% to recycling plants; 38.84% to gasoline plants; .56% for repressuring; and .03% flared.

6. Casinghead gas production reported from 54,064 oil wells out of the 104,758 oil wells in the State totaled 327,897,710,000 (billions) cubic feet of which 6.15% went to pipe lines for lights and fuel; 4.04% for lease operations and drillings; .68% to gas lifts; 3.21% to recycling plants; 83.71% to gasoline plants; 1.49% for repressuring; and .72% flared. (Murray Committee reported 57% casinghead gas flared in 1945 but committee's figures were based on gas not reported to the Commission).

(a) Casinghead gas produced from

remaining 50,674 oil wells in Texas not required to be reported under Commission Rules is presumed to be flared and estimated at approximately 898,563,000 cubic feet each month based on figures of a typical month.

(b) A large per cent of gas to gasoline plants is also flared and typical month figures indicate that estimated 292,000,000 cubic feet flared each month; further, part of gas to recycling plants flared and typical month figures indicate 411,000 cubic feet flared each month.

7. Total gas produced including casinghead and dry in average month is approximately 230,634,187,000 (billions) cubic feet of which 4.16% is flared including that to gasoline and recycling plants.

8. Texas is only State now keeping complete records of flared gas and gas produced and using gas proration methods. Flared gas could be stopped by closing in fields that produce casinghead gas being flared and not utilized for some useful purpose but such action would only result in strife. Texas has large amounts of gas and due to unavailability and distance of markets, it is not feasible to stop flaring of this nature.

#### Gas Reserves

##### I.

1. Total gas reserves for Texas including gas unassociated with oil, dissolved gas and gas dissolved with oil estimated at 78,000,000,000,000 (trillions) cubic feet, which figure is based upon working pressure of at least 750 pounds per sq. inch. If lower pressure base used, a higher estimate will result.

2. During 1945, 121 new gas fields discovered in Texas. During first six months of 1946, 32 new gas fields discovered. Total producing gas fields in Texas today number 889.

#### Proration of Gas

##### I.

1. Present Railroad Commission Rules now adequate with respect to proration by fields.

2. Statewide proration of gas impractical due to impossibility of storing gas in tanks and unavailability of sufficient pipe lines interconnecting fields.

3. Even if interconnecting pipe

lines laid, still impractical to gather all casinghead gas from outlying fields although it would allow casinghead gas flared at gasoline plants to be put into the lines. This gas would require pressuring but expense justified at a market price of around 5 cents per thousand if a uniform amount were assured.

4. (a) Present method of setting allowable for gas fields based upon acreage, rock pressure and potential inadequate although arguments made to prorate gas on a reserve basis, and latter would be adequate if proper method developed to determine at what each operator is entitled to on his sand thickness, permeability as in calculating reserves.

(b) A contentious factor among operators is to what sand thickness the Commission is going to grant them.

(c) Other States, such as Kansas and Oklahoma, use the deliverability factor in arriving at their allowables. This means taking into consideration their potential or whatever the well is capable of getting into the line at a certain pressure and then varying that by the acreage factor.

#### FINDINGS OF FACT

#### Taxation of Natural Gas

##### I.

The provisions of Article 7047b, V. A. C. S., create a tax on natural and casinghead gas based upon a fixed percentage of the market value at the mouth of the well.

##### II.

Under the provisions of this statute, each producer determines the market value of his gas under circumstances where there is not an arm's-length contract and where the gas is not sold at the mouth of the well, such as a transaction between company affiliates or subsidiaries. The statute does not define the term "market value" and where no arm's-length contract exists, there is no available measure whereby the value can be determined. Consequently, market value as set by each producer in this instance has a wide variance.

##### III.

The statute authorizes the employment of auditors to investigate the

affairs of producers and determine whether the tax is being properly reported. This is the only method by which the State Comptroller can determine the prevailing conditions that cause the setting of the market value of gas. If the Comptroller is satisfied that values used in computing the tax do not represent the market value of the gas, a hearing is set, and upon hearing the evidence, the Comptroller fixes the market value.

## IV.

The Comptroller must make an investigation, under authority of the statute, to secure information that would be admissible at such hearings to determine the market value. A statute requiring the gas producers to furnish this information and particular data by sworn affidavit would relieve the Comptroller of making extensive investigations. (The information required to be submitted should include a comparison of the price of gas sold at arm's-length sales and that placed upon it by the producer under circumstances other than at arm's-length sale). Or the addition of auditor-employees to the Comptroller's staff would further assist him in carrying out the statutory objective. With this aid, it is the opinion of the Comptroller and his staff that the tax statute as presently written would be entirely satisfactory and would operate successfully.

## V.

The State Comptroller's office does not question nor go behind an arm's-length sale, which is interpreted by that office to be a bona fide sale. For example, if a contract made twenty years ago was executed and a negligible amount were agreed upon to be paid for the gas at that time, the Comptroller's office accepts that contract at its face value in determining the value of the gas.

## VI.

Market value could be determined for an entire gas field by investigations, hearing and expert testimony resulting in an average price for all producers to pay in a particular field. This method would result in an audit cost cut by eliminating the auditing by the Comptroller's office of separate producers, although it would work a hardship on producers now selling at

a low rate on long term contracts executed in the past. It is possible that the existing statutory provisions authorize this procedure although it has not been done.

## VII.

A flat rate tax on gas rather than a percentage of the market value would be impractical and not feasible because no benefit to the State could be derived from the increase in market value of the gas.

## VIII.

The gross receipts division of the Comptroller's office is operated on money appropriated out of one-half of one per cent of the oil production tax and one-half of one percent of the natural gas tax. The Legislature earmarked \$206,000.00 for enforcing all tax laws based on production and gross receipts and then took over half of it away by appropriation riders. The total amount collected by this division of the Comptroller's office during the last fiscal year was \$52,284,818.00. The total appropriation was \$92,018.00 or .176% of the total collected. The auditors are paid on the average of \$230.00 per month (gross) and are limited by law to \$4.00 per day while on the road and making field audits. This condition of low income has resulted in the loss of many competent auditors and a high turnover of personnel.

## IX.

Many royalty owners, under long term leases made years ago when gas could not be utilized, agreed on a price of \$50.00 a year for the entire gas production. The royalty owner must pay his proportionate part of the tax and if these lease provisions were not recognized by the Comptroller's office, it would be possible for the royalty owner under these circumstances to pay in taxes more than the gas brings to him. On the other hand, market value is commonly understood to be what gas sells for today rather than what a producer agreed to pay for it ten years ago when a contract was made.

## FINDINGS OF FACT

The Industry and Gas Conservation

## I.

The ratio of the present known

gas reserves in Texas to the total production has greatly increased each year since 1926 and has more than doubled between 1926 and 1943. This means that in the foreseeable future, there is no prospect of a gas shortage nor can there be as long as this ratio increases.

## II.

It is necessary that Texas develop its market outlet for gas in order to secure a higher field price. There can be no substantial improvement in casinghead gas conservation without higher field prices. The price of casinghead gas must be sufficiently high to justify the operator's expense in conserving this by-product of oil production.

## III.

The Murray Committee appointed by the Railroad Commission in 1945 reported that 1,426,000,000 cubic feet of casinghead gas or 57% of the total production was being flared each day. A substantial portion of this flared gas could be saved by utilization of the big and little inch pipe lines for natural gas use, thus developing a market outlet.

## IV.

There are casinghead gas conservation projects in the nature of extraction and compression plants which are presently in operation and additional ones are planned to be completed in three years which will ultimately save over one-half of the casinghead gas now flared. When all such projects are completed in Texas, the percentage of flared casinghead gas will be reduced from the 57% existing in 1945 to 18.4%. This latter percentage will be as low as is practicable considering the remoteness of some fields from available pipe lines.

## V.

The completion of the planned conservation projects are dependent upon the removal of several legislative handicaps. These handicaps are as follows: (a) The natural gas act must be clarified to insure that one who produces and gathers gas and sells same to an interstate transmission line is not a natural gas company subject to regulation by the Federal Power Commission. The FPC has

limited natural gas companies to a 6½% return based upon the depreciated historical cost of facilities and also has required reports on all details of the business of the gas companies. This has created a situation where, for example, one company, which had a depreciated historical cost of producing and gathering properties of \$4,000.00 and a gas market of \$3,000,000.00, could make upon that 6½% return about \$300.00 per year.

(b) The FPC should make its valuations on interstate lines upon the fair market value for gas in the field as the beginning point of their regulation and thus allow producers a fair market price. Ultimately the royalty owner would benefit by this rise due to the producer's desire to establish a fair market price. This procedure in turn would be on a par with and based upon the same principles as the state taxes, i. e., a percentage of the market value. This procedure would further aid in the conservation of casinghead gas because as it now exists no producer could be expected to construct expensive recycling plants and incur the expense of compression into a pipe line when they cannot even realize the cost of their efforts.

(c) The FPC must be removed of authority to control the end-use of gas; that is, the use to which the consumer puts the gas after he buys it. This power ultimately regulates the production of gas and fixes standards of conservation. If the Federal Power Commission can determine who can use the gas, when and for what purpose, then the control of the entire gas business vests in that authority.

## FINDINGS OF FACT

### The Royalty Owner

#### I.

Modern Oil and Gas lease forms have become long and contain highly technical and legal phraseology which the average layman and lawyer is unable to correctly interpret.

#### II.

Royalty payments on oil have remained stationary throughout the years but this is not true with respect to gas due to the fact that at one time gas was of no value and no market existed. The market has now developed but provisions for the pay-

ment of royalties on gas and liquid hydrocarbons have not changed except in isolated instances.

### III.

Royalty owners contend that it should be mandatory upon a lessee to pay as royalty 1/8th of the value of gas together with 1/8th of the value of such liquid hydrocarbons as are extracted therefrom and the royalty owners request legislation making it mandatory for all Oil and Gas leases to contain the following provisions as a protection to the landowners:

"Any oil, gas and mineral lease shall be null and void and of no force or effect whatsoever for any purpose which provides for the payment to the lessor or lessors therein named, their successors or assigns, as a royalty, on natural gas or the liquid hydrocarbons therein contained, of less than 1/8th of the value of such gas as may be produced, saved and sold from any gas well or wells located on any property described in such lease and classified as a gas well or wells by the Railroad Commission of Texas or succeeding administrative body having jurisdiction, together with 1/8th of the value of such of the liquid hydrocarbons as are extracted, separated or recovered therefrom and saved and sold by lessee or for the account of lessee, irrespective of whether such liquid hydrocarbons be extracted, separated and recovered on the property described in such oil, gas and mineral lease or on any larger unit of which said property may be or become a part, or extracted, separated or recovered for the account of lessee in some gasoline or absorption plant to which said gas is transported for such purpose or purposes."

### IV.

In order to create constitutional legislation incorporating the foregoing suggested lease proviso, a statute could provide for what is known as the Texas Standard Form carrying with it the 1/8th royalty of the value of the gas and its by-products and further provide that any lease contract labelled Texas Standard Form and failing to carry such a royalty provision shall raise a presumption of fraud thereby placing the burden on the lessee to rebut such presumption by showing that he has dealt

fairly under all the facts and circumstances.

### V.

It is possible that the flat proposition of one-eighth royalty in gas could work an injustice if applied statewide as the fair price an operator pays the royalty owner in one field might be entirely onerous in another field. It could prevent some fields from being developed. This could be remedied, however, by subjecting the operator to a penalty who uses the form labelled Texas Standard Form when in fact it is not such a form, but allowing the operator to negotiate a different form and smaller royalty when he goes into a field where it would not be economical nor practicable for him to operate under the Texas Standard Form and with explanations and full knowledge on the part of the landowner as to why the Texas Standard Form can not be used in the development of their land due to unusual circumstances such as poor markets, extra expense of drilling, etc.

### VI.

a. Royalty owners contend that the Federal Power Commission has violated the provisions of the Natural Gas Act by (1) dictating the price for which a producer of natural gas may produce, gather and sell same at the mouth of the well or some other point in the field from which gas is produced, (2) regulating the production and gathering of gas and (3) dictating the "end-use" of gas. b. They further contend that such action will eventually (1) discourage future drilling, (2) discourage prevention of waste, (3) retard and ultimately destroy power of Railroad Commission of Texas to control and prevent gas wastage, (4) prevent free market competition and (5) deprive local school systems of adequate financial support for schools and roads. c. They further contend that Congress should enact legislation limiting the power of the Federal Power Commission and deny said Commission any power or authority to (1) control or regulate the production and gathering of natural gas and (2) the sale thereof by a producer or gatherer, regardless of price he may sell same, or (3) control the "end-use" of gas.

The Committee was fortunate in having the services of Assistant Attorney General Jack K. Ayer as counsel and the advice and suggestions of Assistant Attorney General Elton Hyder, associate counsel. Both of these gentlemen rendered the Committee and the State of Texas loyal and unselfish service with no thought of personal reward and out of a high sense of public duty.

Respectfully submitted,

CHADICK  
CARNEY  
TAYLOR  
LANE.

**Report of General Investigating Committee Relating to Texas Good Roads Association**

Senator Aikin submitted the following report:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Pursuant to Senate Resolution No. 51 which directed the General Investigating Committee to make certain investigations concerning the Texas Good Roads Association, we beg leave to submit the following report:

The Committee called Mr. Tom Eplen, President of the Texas Good Roads Association, and we attach hereto and make a part of this report his entire testimony concerning the activities of the Texas Good Roads Association and press release issued during his term as President of the Association.

The Committee then called Mr. Ike Ashburn, Executive Vice President of the Texas Good Roads Association, and attach hereto and make a part of this report his sworn statement concerning the funds received by the Texas Good Roads Association, including the amount and the names of those who contributed. As stated above, the testimony taken and the sworn statement mentioned are made a part of this report and attached hereto and is filed with the Secretary of the Senate.

Respectfully submitted,

AIKIN  
HAZLEWOOD  
HARRIS  
WINFIELD  
HARDEMAN.

**Report of Committee to Investigate Student Activities at Texas A. and M. College**

Senator Harris submitted the following report:

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the Joint Legislative Committee appointed by virtue of S. C. R. 21 to investigate the "controversy at Texas A. & M. College and to inquire fully into all matters of disagreement between the student body and the administration and any violations of law or of state policy by anyone connected with Texas A. & M. College or the students of said college and the misuse of any authority on the part of anyone on the staff of Texas A. & M. College, or any misconduct or resistance to constituted authority on the part of the students and to inquire fully into all allegations made against the administration of the college, touching any of its administrative officers, staff or faculty, by any person," pursuant thereto beg leave to submit the following report:

**STATEMENT**

The Committee convened and organized on April 3, 1947, selecting Hon. Fred R. Harris and Hon. Claude H. Gilmer, Chairman and Vice-Chairman, respectively. An investigator and a reporter were employed.

Numerous witnesses were subpoenaed and examined under oath, including the following officers of the Veteran Student Association, viz., Mr. W. S. Andrews, President, Mr. Ed K. Fisher, Secretary, Mr. Sam S. Williams, Jr., Treasurer, Mr. Davis D. Elliott, Sergeant at Arms, Mr. Robert A. Polson, Vice-President and Social Director, and Mr. Karl Wallace, Jr., Parliamentarian, Mr. Ed Brandt, Cadet Colonel, and Mr. William McCormick, President of the Senior Class, testified.

Eight members of the Board of Directors testified, namely, Mr. G. R. White, Chairman, and Messrs. Tyree Bell, C. C. Kruger, Roy Potts, Henry Reese II, E. W. Harrison, Rufus Peebles and John Newton.

Other officials of the College also testified, being Mr. Gibb Gilchrist, President, Dr. F. C. Bolton, Execu-

tive Vice-President, Mr. J. W. Rolins, Dean of Men, Col. G. S. Meloy, Jr., Commandant, Col. Frank G. Anderson, Coach and ex-Commandant, Mr. W. H. Holzmann, Comptroller, Dr. Geo. B. Wilcox, Head of Education Department, Dr. C. W. Crawford, Head of English Department, Mr. Ernest Langford, Head of Architecture Department, Dr. W. W. Armistead, of the Veterinary Medicine School, Dr. F. B. Clark, Head of Economics Department, Mr. M. L. Cashion, Secretary of Y. M. C. A., and Mr. Byron Winstead, Director of Information and Public Relations.

Also testifying were Dr. T. O. Walton, former President of A. & M. College, Mr. Delbert V. Schultz and Mr. T. L. Smith, Jr., former students, and Mr. Allan Self, student and co-editor of The Battalion.

Extensive documentary evidence, statements and records were admitted and considered by the Committee. Approximately 44 hours were consumed in the actual examination of witnesses, comprising approximately 1500 pages, and much more time was spent in studying the evidence, in deliberating thereon, and in preparing the report.

Hearings were conducted both in Austin and in College Station and, in the main, were open to the public. Executive sessions were held, however, at the specific request of the officers of the Veterans Students Association for the purpose of hearing testimony of certain designated faculty members concerning their charge of "coercion, duress and intimidation of faculty members and students."

A transcript of the testimony is attached hereto and made a part of this report to the Senate and the House of Representatives.

#### MATTERS INVESTIGATED

##### A. General charges:

1. Official corruption of administration.
2. Misappropriation of public funds by administration.
3. "Ineptness" of administration.
4. Coercion and intimidation of faculty members and students.
5. Excessive room rental and dining hall charges.
6. Controlled publicity.
7. Cost of administration of Dean of Men's office.

##### B. Specific questions propounded by Veteran Students Association.

1. What has happened to a fund established prior to 1943 for a new classroom and laboratory building to augment the Science Hall, and why hasn't construction started on the building? This fund was in the amount of approximately \$200,000.

2. What was the basis of the purchase of a Brazos River Bottom farm at approximately \$78 per acre when adjacent farm land was, and still is, selling at approximately \$60 an acre?

3. Why should the College Exchange Store, located here on state-owned property be permitted to make a net profit last year of \$54,000 at the expense of the individual student and the Federal Government?

4. Why is the \$100,000 wind tunnel located at Easterwood Air Field not in operation? Why was the survey and subsequent recommendation by Dr. A. A. Potter, of Purdue University, to spend not over \$25,000 on a wind tunnel ignored?

5. Why did President Gilchrist refuse to accept the outright gift of Bryan Army Air Field from the Federal Government for the use of the Aeronautical Engineering Department?

6. Why doesn't Texas A. & M. have a definite tenure system for right of appeal for its faculty members?

#### FINDINGS

1. The A. & M. College of Texas is a constitutional, tax-supported institution of the State. (Art. VII, Sec. 13, Const. 1876).

2. The sole governing authority of the College is vested in a Board of Directors composed of nine members appointed by the Governor, by and with the advice and consent of the Senate. (Art. IV, Sec. 12; Art. 2610, R. C. S., Texas, 1925).

3. The duties of the Board of Directors are fixed by statute. (Art. 2613, R. C. S., Texas, 1925).

4. Seven of the current Board of Directors are ex-students of A. & M. College and 3 thereof have served as President of the Ex-Students Association of A. & M. College.

5. There was no evidence of any official corruption of or by the administration or the President.

6. There was no evidence of any misapplication or misappropriation of any funds of the College by anyone.

7. There was no evidence of any "ineptness" in the school administration.



8. There was no evidence of any coercion, intimidation or duress of either students or faculty or staff members.

9. The rental charged for rooms was reasonable and necessary and in compliance with the law for the retirement of outstanding revenue bonds. (Art. 2613a-1, 2613a-4, R. C. S., Texas, 1925).

10. The food in the dining hall was of good quality, well prepared, and of sufficient quantity and the cost thereof was not excessive.

11. There was no evidence of "controlled" publicity on the part of the administration.

12. The cost of operation of the office of the Dean of Men was not increased for the performance of the same work done by the Commandant's office; however, additional duties assigned thereto necessitated an overall increase in expenditures.

13. The fund of approximately \$200,000.00 created for the construction of a Science Hall was properly handled and its disposition satisfactorily explained.

14. The Brazos River Bottom Farm was purchased on the recommendation of Dean E. J. Kyle prior to the present administration and the current price of land in the vicinity is in excess of \$75.00 per acre and not \$60.00 as charged.

15. The College Exchange Store did a gross business of approximately \$360,000.00 and made a profit of approximately \$54,000.00 thereon or about 15%. A faculty-student council, the student members being selected by the students at large, were consulted and submitted recommendations thereon and whose recommendations were followed by the management of the Exchange Store and the profit therefrom was disbursed as follows:

\$18,004.64 retained by the store for operating margin;

\$3,864.21 set up to pay a 10% dividend to students whose sales slips were signed and deposited;

\$8,036.26 transferred to student recreational fund;

\$24,108.81 transferred to the Union Building operating fund.

16. (a) The wind tunnel has not been in operation because of unavailability of certain electric motors and equipment.

(b) The administration of former President T. O. Walton sought and

obtained an appropriation of \$60,000.00 from the Legislature in May, 1943 for construction of a wind tunnel. (Acts 1943, Ch. 399, p. 784).

(c) The recommendation of Dr. Potter regarding the wind tunnel was substantially that only the sum of \$15,000 to \$25,000 should be spent for instructional purposes unless it was expected to spend as much as \$1,000,000.00 for construction of a wind tunnel.

17. There was no offer or tender of Bryan Army Air Field at any time by the Federal Government to A. & M. College or the State for the use of the Aeronautical Engineering Department.

18. A. & M. College has a tenure system and right of appeal for any aggrieved faculty members.

19. Former President T. O. Walton recommended the appointment of Mr. Gibb Gilchrist as Dean of the School of Engineering in 1937.

20. The Board of Directors unanimously directed the promulgation of a "Basic Policy" for the conduct of all personnel at A. & M. College in the early part of 1947.

21. The promulgation and enforcement of rules and regulations, including the Articles of the Cadet Corps, pursuant to the Basic Policy resulted in a limited student uprising or revolt.

22. There have been recurring student "strikes, uprising, static or revolts" at A. & M. College at intervals and in varying degrees of intensity, primarily over the matter of enforcing the law prohibiting various hazing practices.

23. The banning of various hazing practices is the prime factor contributing to the student unrest because of imagined "interference" with so-called "traditions."

24. That hazing is condemned and prohibited by the penal statutes of Texas in A. & M. College, as well as in all other state supported schools, and the violation thereof constitutes an offense punishable as provided by law. (Art. 1152-1155, P. C., Texas, 1925.)

25. It is the duty of the Board of Directors and the school authorities to enforce the laws of Texas, as well as the rules prescribed by the Board of Directors pursuant to law. (Const. Art. XVI, Sec. 1).

26. Hazing practices indulged in at the college forced some 75 stu-

dents to retire or withdraw from school and caused others to suffer physical injuries of a more or less permanent nature and subjected the victims to numerous indignities in contravention of both law and common decency.

27. It is the duty of the students and other personnel of the College to obey the laws of Texas, as well as the rules prescribed by the Board of Directors and promulgated by the administration with the Board's approval.

28. Reasonable rules and regulations prescribed and promulgated by the Board pursuant to law have all the force and effect of law insofar as those under their jurisdiction are concerned.

29. The School of Veterinary Medicine has not been removed from the accredited list of the American Veterinary Association.

30. The School of Chemistry was removed from the list of schools approved by the American Chemistry Society in December, 1946.

31. The Blue Star Award for military efficiency was not earned by the Cadet Corps in 1946.

32. Certain outside influences, namely, Mr. T. O. Walton, former President of A. & M. and presently Postmaster at College Station, Mr. Travis Bryan, banker at Bryan, Texas, and Mr. Delbert V. Schultz, Big Spring, Texas, have materially contributed to the present student uprising by fomenting, counseling, advising and financing unrest and discontent among the student body.

33. The morale of the vast majority of both veteran students and cadets, as well as staff members is the highest in the history of the College, and the academic accomplishments of the vast majority of the students are satisfactory.

34. The activities of the College are being administered in a businesslike and efficient manner and its fiscal affairs are in excellent condition.

35. The College has the largest enrollment in its history and is attended by students whose courses were interrupted by service in the armed forces of their country and whose marital status, in many instances, has changed, and together with crowded conditions and the high cost of living, has thus contributed, unwittingly, perhaps, to the general

unrest of the present period of transition from a great school to a greater school.

### COMMENTS

Careful consideration of the voluminous record of the investigation clearly supports the foregoing findings.

While many of the charges were vague and indefinite, yet some specific accusations were made and queries propounded which have been thoroughly studied in the light of the evidence.

The complete absence of any testimony worthy of consideration of official corruption or misappropriation of any funds by the administration or ineptness of administration is noteworthy. On the contrary, the State auditor's official reports, as well as the College Comptroller's records, indicate the efficient and businesslike conduct of the administrative and fiscal affairs of the main College and its far-flung activities.

Testimony of staff and faculty members, who were summoned at the direct instance of the Veteran Students Association, and heard in executive session, also at the request of the Veteran Students Association, was unequivocally to the effect that there was no coercion or intimidation on the part of the administration toward them or either of them or toward anyone else of whom they knew. This was one of the general charges of which there was not a scintilla of evidence to support.

The room rental of which complaint was made was shown to have been fixed at a sufficient amount, based upon the number of occupants, to discharge the interest and sinking fund requirements of Revenue Bonds out of the proceeds of which the dormitories had been constructed. There was no other source of income available for the retirement of such bonds and it was statutory that there should be none. In order to preserve and maintain the credit of the institution it was necessary to make such charges. In this connection it should be borne in mind by the citizens of Texas that as taxpayers they are under no obligation to furnish board, room and clothing to those availing themselves of the educational facilities afforded by a generous State government.

Likewise, the charges for food in the dining halls should be of sufficient amount to operate it on a paying basis.

The uncontradicted evidence is to the effect that there was no form of censorship or "controlled publicity" maintained by the administration. Two instances were attempted to be cited showing such, namely, that an item in the Dallas News indicated the unanimous selection of Mr. Gilchrist as President by the Board and the other to the effect that a radio commentator in either Dallas or San Antonio disclosed that a meeting of veterans was to be held to discuss hazing and other important matters. Such are rather inconsequential since the paper and radio were operating entirely independent of the college and owned by private interests and could hardly be calculated to provoke serious consideration.

The Director of Publicity and Information of the College testified that he had never been told by higher authority what to print or when and that he had never undertaken to censor any items. The co-editor of "The Battalion," the College paper, testified of his absolute freedom in the publishing and preparing of its editorials, thus clearly refuting such charge.

The evidence showed that the Board of Directors and the administration early began to take steps to eliminate hazing. The matter of discipline was transferred to a newly-created office of Dean of Men. It was thought that by proper leadership and the personal popularity of the person chosen to fill the office that the violations of the penal laws of Texas could be prevented. This effort failed, thus necessitating the adoption of a different method.

As to the cost of administering the office of Dean of Men, 1946-1947, as compared with the cost of the Commandant's office, 1944-1945, the evidence showed that the Commandant's office expended \$35,197.52 for an enrollment of 2,157 students, while the same functions were performed by the Dean of Men's office in the 1946-1947 year at a cost of \$42,045.00 with an enrollment of 8,663 students. Additional duties, however, were assigned the office of the Dean of Men, and its enlarged activities necessarily resulted in increased expenditures for such additional services

which amounted to \$67,594.66, as shown by the official audit reports.

Passing, next, to the specific queries posed by the Veteran Students Association, they are taken in the order presented.

The first relates to the \$200,000.00 fund purportedly established in 1943 for the purpose of erecting a new Science Hall. The evidence showed that \$200,000.00 was set apart in September, 1940, for a building of which \$140,000.00 was out of local funds and \$60,000.00 from Pure Feed Funds. The advent of war precluded the acquisition of building materials, and in July 1945, some \$70,000.00 was transferred out of this fund by the Board to pay current expenses pending payment of fees by the Veterans Administration, and three months later the Board transferred the remaining \$70,000.00 of the local funds to the student recreation account. In May 1946, the \$60,000.00 was returned to the Pure Feed Fund for operating and research purposes. At the same time \$275,000.00 was added to the Physical Plant Fund and remains available for the construction of the proposed building when materials are available in quantity.

The next concerned the purchase of a farm in Brazos River Bottom for about \$78.00 per acre. The purchase of the farm was authorized by a divided Board, upon the recommendation and insistence of Dean E. J. Kyle on January 8, 1944, prior to the appointment of Mr. Gilchrist as President. A majority of the present Board were not members at the time. However, the evidence showed that the price paid was the fair market value at the time and that it could be sold now at a profit at prevailing prices.

The profit from the Exchange Store for 1946 was approximately \$54,000.00 or about 15%, or a gross business of over \$360,000.00 which is not excessive. This was accounted for, among other things, by the magnitude of the operation, the increased enrollment, the fast turn-over of goods and merchandise, and the efficiency of operation. The evidence was conflicting in a few minor instances as to the prices of similar items in other stores in the vicinity, although, in the main, they were shown to be from comparable to a little less in instances.

It was also brought out in this connection that it was necessary to maintain a large reserve because of the long wait for reimbursement from the Federal Government for books and supplies furnished free of charge to the veterans, most of whom returned to school in late 1945 and early 1946, and to maintain a safe operating margin in accordance with approved business practices. The disposition of the profits, under the recommendation of the aforesaid Council completely accounted therefor. The President and the Comptroller testified that they thought with last year's experience the store could be operated on a smaller margin in the future, since last year afforded the first big scale operation and general economic conditions might be different.

Concerning the wind tunnel the only credible evidence showed that one Dr. Potter made a recommendation to the Board on October 10, 1942 suggesting an expenditure of from \$15,000.00 to \$25,000.00 for limited instructional purposes—not for the construction and equipping same. This, he suggested, should be nearer a million dollars. The former President, Mr. T. O. Walton, disregarded the recommendation entirely and obtained approval of an appropriation from the Legislature in 1943 of \$60,000.00 for a wind tunnel. Unavailability of electric motors has thus far prevented its completion and use. Incidentally, it also appeared that Dr. Potter is a mechanical engineer rather than an aeronautical engineer, who might be better qualified to discuss the subject. The present administration had very little, if anything at all, to do with the obtaining of funds for the wind tunnel, but is exerting every effort to put it into operation for the benefit of the boys of Texas.

The evidence is uncontradicted that the Federal Government did not and has not at any time, offered or tendered Bryan Army Air Field as a gift for the use of the Aeronautical Engineering Department of A. & M. College.

A tenure system exists at the College with full right of appeal for aggrieved faculty members. This bit of misinformation was supplied to the Veteran Students Association by one Dr. F. B. Clark, whose incoherent statements and irrational assertions

only served to accentuate his mental declination.

The testimony was uncontradicted to the effect that the School of Veterinary Medicine had not been removed from the list of schools approved by the Association of American Veterinary Schools. Neither had its work deteriorated, although filled to its capacity of 64 students and despite the crowded conditions and the increased cost of maintenance of clinical material.

The School of Chemistry was removed in December 1946 from the list approved by the American Chemistry Society. The circumstances of its removal are somewhat vague, but steps have been and are being taken to regain the recognition. It is not believed, however, the character or quality of the work and courses taught have, in any way, disintegrated.

The failure of the Cadet Corps to earn the Blue Star rating for military efficiency, while regrettable, was not altogether unexpected. The Corps, which has always had and enjoyed a most enviable military history, was seriously affected during the recent armed conflict by reason of depleted numbers and unavailability of qualified instructors who were in the service of their country. However, the informal inspection report made by officers of the 4th Army Headquarters under the command of General "Tex" Wainwright made on February 4, 1947 indicated the present excellent condition of Corps equipment and personnel and it is believed that an early restoration of the award will be forthcoming, because of recent fine showings of the Cadets.

The personality of the President has evoked much comment, although his integrity, his honor, his motives and his ability and efficiency have not been successfully attacked. Some vague rambling statements were made to the effect that he was and is inaccessible to faculty and to students; however, there is no evidence that any one was ever denied an audience or interview, but on the contrary any person who so desired was granted as much time as required.

The record reflects the sworn testimony of the eight members of the Board to the effect that the President is carrying out their instructions and directions and that the Board is backing him 100% in his efforts. One or more of the members

of the Board recently appointed testified that they accepted the responsibility fully realizing the existing conditions and that they believed it to be their sworn duty to stop hazing practices denounced by law. Their motives cannot be successfully questioned.

In the final analysis of the situation, the entire controversy seems to resolve itself into the question of whether the legally constituted authorities shall continue to conduct the affairs of the school or shall a small segment of students, misguided, perhaps, and misinformed, encouraged by outside influences contributing to their discontent, be permitted to force a complete breakdown of discipline and take over the running of the institution.

The conclusion is inescapable, from the overwhelming weight of credible testimony, that the principal factor which precipitated the student rebellion was the announced determination of the Board of Directors on January 11, 1947 to comply with their constitutional oaths and enforce the criminal laws of this State prohibiting hazing practices in the school. It is apparent that this fact was seized upon by disappointed, disgruntled and designing persons as the avenue to discredit the school administration.

Unfortunately, the officers of the Veteran Students Association, some some of whom were former Cadets, were in the forefront of the rebellion against constituted authority which originated in the Cadet Corps, in the name of the preservation of "the spirit and traditions of Aggieland" and to demand the wholesale resignation of the Board of Directors and the summary discharge of the President.

The exploitation of this small minority of misguided youths is all the more reprehensible because of the peculiar position occupied by those non-students engaged in abetting the unrest by maintaining "secret or private files" purporting to contain factual information. The belittling, to immature minds, of "constituted authority" by Mr. T. O. Walton, was an extremely unfortunate, not to say deplorable, thing. Its effect on the future conduct of those immature students cannot be calculated at this time. Defiance of duly constituted authority in our schools will breed a

contempt for law and order in later life.

It was definitely proved that many of the practices indulged in by the student body, charitably termed "hazing," were of an extremely cruel and inhuman nature and of comparatively recent origin and were definitely never a part of the finer and more cherished traditions of the institution. In fact, such practices and innovations were unheard of as recently as the early part of this decade and were, of course, unknown a generation ago.

The testimony is conclusive to the effect that a large number of students retired or withdrew from the school as a result of the so-called "traditions." This can only emphasize the severity and cruelty thereof without mentioning specific instances of such practices. Many of these students became deficient in their academic work because of the demands for the performance of menial acts of servitude and details made upon them and the physical tortures to which they were subjected, and which prevented their devoting sufficient time to their studies. The matter of "paddling" was not among the more serious offenses. The withdrawal or retiring of a single student for hazing practices is alone sufficient to warrant its condemnation in this publicly-owned, democratic institution.

While a great and enthusiastic school spirit is appreciated and is to be encouraged, still it must not be prostituted to the accomplishment of evil or to be nurtured to such extent that it grows progressively worse and assumes a form of fanaticism for its retention.

The utter failure of a former administration to prohibit these vicious hazing practices, has, of necessity, made the task more onerous. The Board of Directors and the President have not been unmindful of the stupendous task confronting them because of the cancerous growth and the proportions to which it has expanded, thus requiring firm and drastic action.

In this connection, it is worthy of note that the Board of Directors is composed of some of the finest and most highly respected and successful citizens of Texas. That they possess a genuine love for and interest in the welfare of A. & M. College, the Alma

Mater of seven of them, cannot be gainsaid. Each has an abiding faith in its future. It is likewise coincidental that no President of A. & M. College has ever been graduate thereof. Mr Gilchrist is no exception, but the qualified and wholehearted support of the Board bespeaks the confidence of that group in him to do the job his predecessors failed to do, and admittedly stated it could not be done, to-wit, stamp out hazing.

It was testified, too, that when the President signed the "Basic Policy" that he "either signed his own death warrant or will be known as a great man because he challenged a system."

No fact is more important to be borne in mind by the citizens—the taxpayers of Texas—than that A. & M. College is not a sectional school and that it does not and should not belong to any group. It is a tax-supported, state operated institution established for the primary purpose of disseminating knowledge with a special emphasis on the training of the youth of Texas in agricultural and mechanical subjects. With due regard to its lawful functions it has unlimited possibilities. If, however, it is allowed to become sectionalized or "over-traditionalized," its full usefulness to its owners, the taxpayers of Texas, may become greatly impaired and its future as a great institution, instilling as it does and should the fundamentals of democracy and good citizenship in the youth of Texas, may be seriously hampered.

A. & M. College is a land grant college and has earned and maintained an outstanding military history. However, it does not augur well for the future in this respect that members of its famed Cadet Corps should openly defy orders and rules and regulations issued and published for its control and guidance. Being soldiers in the making and potential officers of the United States Army, their first duty as such is to obey orders and recognize constituted authority. While this misconduct was confined to a minority, yet the entire Corps stands condemned. Such action on the part of those participating can only be a black mark on an otherwise bright escutcheon and doubtless, upon sober reflection in the years ahead, will be recalled with genuine sorrow and a sense of shame.

## RECOMMENDATIONS

Having found no evidence of any malfeasance or misfeasance on the part of the administration of A. & M. College or of any official connected therewith, the functions of the Committee appear to have been discharged. The administration and conduct of the College activities is exclusively under the jurisdiction and supervision of the Board of Directors.

Doubtless there might well be considered the matter of revision of the administration of the system with a view to the streamlining thereof. Some economies in operations might thereby be effected. This, of course, under the law, is within the discretion of the Board of Directors.

It may be that the far-flung and ever-increasing activities of the A. & M. College have become so vast, and its services so varied, that no one individual can direct its operations with full familiarity of its several services, requisite for the most effective functioning thereof.

The Committee suggests, therefore, that the Board of Directors could properly give consideration to the possibility of creating the Office of Chancellor of the College System. He would, under such a program, then assume the overall direction of the entire system, including, as it does, the graduate and undergraduate schools of the Main College, the North Texas Agricultural College, John Tarleton Agricultural College, Prairie View A. & M., the Extension Service, Experiment Stations, Field Laboratories, Rodent Control Service, Texas Forest Service, and the Firemen's Training School.

The President of the Main College of Arts and Sciences, thus relieved of the many outside duties now required of him, would be free to devote his full time to the direction of the educational training, its student relations and related activities normally expected of a college president in the accepted sense of the term.

These recommendations are made to the Board of Directors which has the sole authority to adopt or reject them.

The Committee desires, also, to take this occasion to compliment the high quality of work and the fine morale that has characterized the vast majority of the young men of Texas

A. & M. College throughout the unfortunate and highly regrettable disruption of the normal routine of the school during this postwar transition period.

Respectfully submitted,  
Signed: FRED HARRIS,  
Chairman,  
HARDEMAN  
RAMSEY  
TYNAN

On the part of the Senate.  
GILMER  
STOREY  
COX

On the part of the House.

#### Minority Report

Senator Moffett submitted the following report:

June 6, 1947.

Hon. Allan Shivers, Lieutenant Governor of Texas.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, members of your committee appointed to investigate the condition existing at the Agricultural and Mechanical College of Texas, pursuant to Senate Concurrent Resolution No. 21, cannot concur with the majority report, and beg leave to report as follows:

#### Preliminary Statement

We have attempted a thorough inquiry into all phases of the present situation at the A. & M. College, as far as the time available would permit. It is indeed unfortunate that this great institution, supported and maintained by the people of Texas, has experienced an atmosphere of unrest, openly evident, during the past few months. It is our sincere hope that such unrest may be overcome with the least possible delay, in order that the school may continue to enjoy the esteem and respect of the citizenship of the entire State and Nation.

We have been aware of the deep feeling of loyalty to the institution, which is personified by all people connected with A. & M. College, and more especially the Ex-Students Association and Mothers Clubs throughout the State, and herein express our appreciation for their interest, which we know springs from a sincere love for the college. We have further been aware of the intangible elements that have made A. & M. College an institu-

tion unique, in that on such campus there exists a "Spirit of Aggieland," which is incomparable to adequate description, but which has through the years been a source of inspiration in cementing a spirit of brotherhood among A. & M. men.

It has been with an earnest desire to be of service to the people of Texas, and especially to those most interested in A. & M. College, that we have undertaken this task. It is our hope and prayer that our humble efforts may have contributed in some small manner to the solution of the problems existing at this great institution, in order that it can continue its great service to the State and Nation.

#### Constitutional and Statutory Existence of A. & M. College

The Agricultural and Mechanical College of Texas is a land grant college created by an Act of the Legislature passed April 17, 1871. It was, by the Constitution of 1876, made a branch of The University of Texas. It is supported by the people of the State of Texas through taxation. The purpose of the school, as declared by Article 2608 of the Revised Civil Statutes of Texas, 1925, and as required by the Land Grant Act of Congress July 2, 1862, is declared to be as follows:

"The leading object of this College shall be, without excluding other scientific and classified studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the Legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

The government of the A. & M. College is vested in a Board of Directors composed of nine persons, which is empowered to "appoint the president and professors of the college and such other officers as, from time to time, they may think proper to keep the college in successful operation, and may from time to time abolish any office that is, in their judgment, unnecessary" (Article 2613, Section 1, Revised Civil Statutes of 1925).

The A. & M. College Board of Directors, and the President and Officers

working under its supervision, have the jurisdiction and control of the following institutions and agencies:

1. The Agricultural and Mechanical College of Texas, located at College Station.
2. The John Tarleton Agricultural College, located at Stephenville.
3. The North Texas Junior Agricultural, Mechanical, and Industrial College, located at Arlington.
4. The Prairie View University, located at Prairie View.
5. The State Experiment Station and allied activities.

### Findings

(1) The unrest at A. & M. College is primarily a product of the times, born of postwar unsettlement, and an impatience in reversion to prewar conditions.

(2) A minor contributing cause has been the experimental activities of the college authorities in attempting to properly place disciplinary control.

(3) A principal contributing cause (principally within the cadet corps) has been the renewal of an attempt to abolish all forms of hazing at A. & M. College.

(4) A contributing cause has been the encouragement by outside persons, both at College Station and Bryan, of some of the students to resist the constituted authority at A. & M. College.

(5) A contributing cause has been the lack of opportunity of the Board of Directors of A. & M. College to thoroughly acquaint themselves with current student problems and life on the campus of the college.

(6) A contributing cause has been the failure of the President of A. & M. College and his administration to command the full respect to which they should be entitled, when taking into consideration the unique nature of the institution. We wish to emphasize that the foregoing statement is in no sense a reflection upon the successful administrative abilities of the President in other fields of endeavor.

### Conclusion

(1) The present regulation of disciplinary control, i. e., administered through the office of the Commandant, appears to be the most satisfactory method, and we wish to take this op-

portunity to commend the present Commandant for having definitely improved the discipline and morale of the Cadet Corps.

(2) The attempt on the part of the Board of Directors and administrative authorities at the college to abolish all forms of hazing deserves the applause of the entire citizenship of the State of Texas.

(3) After a thorough investigation, we conclude that the six (6) charges against the college administration, promulgated by the Veteran's Student Association, have no factual foundation, and the representatives of such organization have wholly failed to substantiate them.

(4) We conclude that there has been no misapplication or misappropriation of funds nor any malfeasance of office on the part of administrative officials of the college.

(5) We conclude that there is no substantial basis for the charge that the members of the faculty of A. & M. College are in any manner intimidated by the Administration, and that there is no widespread unrest, anxiety or dissatisfaction among the members of the faculty of the college.

(6) We conclude that it would be practically impossible for one person to adequately perform the duties, which are expected of the President of A. & M. College, from both an administrative and educational standpoint.

(7) We conclude that the present members of the Board of Directors are of the highest caliber and have a sincere and genuine interest in being of service to A. & M. College, and we wish to take this opportunity to commend them for their unselfishness in the full discharge of their responsibilities.

### Recommendations

(1) That the Board of Directors of the college create the office of Director General of A. & M. College (name immaterial), responsible to the Board of Directors and charged with the Administrative Supervision of the entire A. & M. system, divorced from supervision of educational curriculum. That the office of the President be reserved and maintained with its primary consideration that of education at the A. & M. College at College Station only. This or some similar division of authority, we feel,



would relieve a great burden, which is almost insurmountable, i. e., that of providing for the educational curriculum at A. & M. College proper, and at the same time attempting to provide administrative supervision for the other institutions, the extension service, and the experiment station. (See Annex No. 1.)

(2) That an attempt be made to increase the clinical facilities of the School of Veterinary Medicine and Surgery, by working out within the college system a reciprocal arrangement for the care and treatment of animals belonging to the college, by the students under the supervision of their instructors. That an ambulatory clinic be considered as an additional method of obtaining clinical material.

(3) That the Board of Directors of A. & M. College review the military and faculty panel hearings, which have been heard since January 1, 1947, as the duly authorized appellate authorities with a view toward determining whether or not constructive adjustments may be made.

(4) That the administrative authorities of A. & M. College endeavor to grant the student officers of the

Cadet Corps all possible authority and responsibility of regulating activities within such body, commensurate and not inconsistent with the general policy of the school and the maintenance of discipline.

(5) That the administrative authorities of the college make every effort to foster and maintain the beneficial traditions of A. & M. College.

(6) That the administrative authorities of A. & M. College continue their endeavor to abolish hazing, with the view of eliminating as far as possible all violations of Article 1152 of the Revised Civil Statutes of the State of Texas.

(7) That the Board of Directors attempt at all times to maintain officers of the highest type in the Military Department of the College, and wish to take this opportunity to commend the present Commandant as being an officer of such caliber.

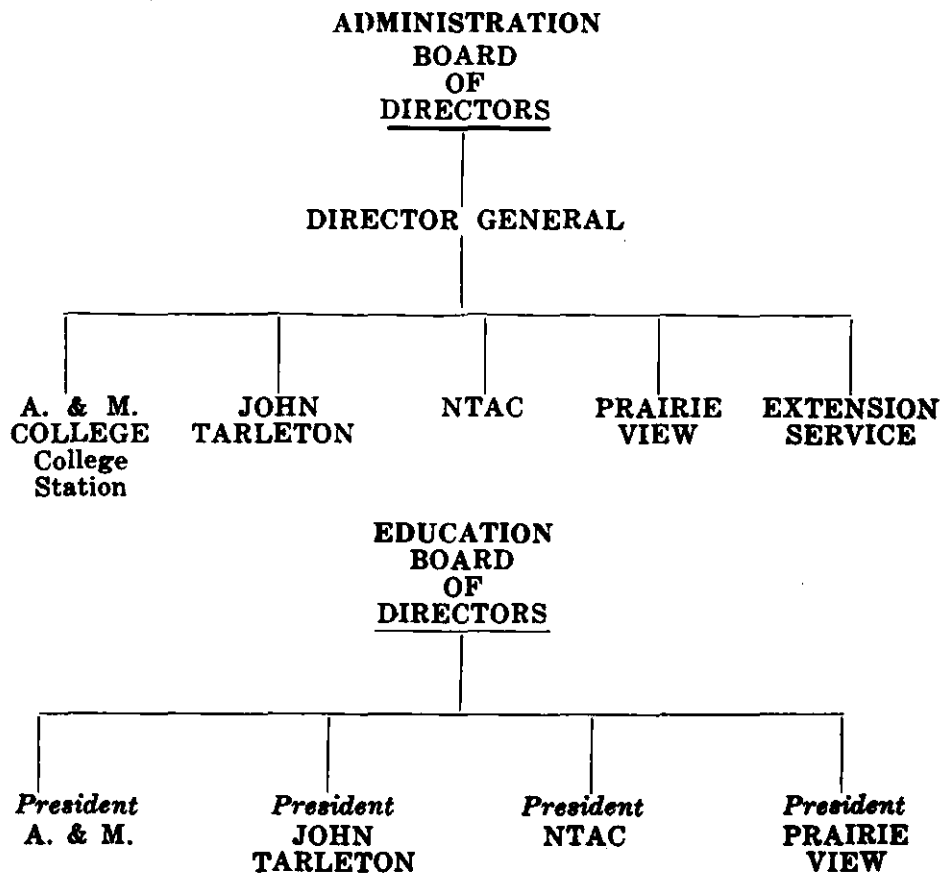
Respectfully submitted,  
GEORGE MOFFETT

On the part of the Senate.

EDWARD HUGHES

SEARCY BRACEWELL

On the part of the House.



**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 56, Setting aside one day each year as Friendship Day in Texas.

H. C. R. No. 164, Expressing appreciation to certain individuals and groups for their assistance following the Texas City disaster.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**House Concurrent Resolution 164**

On motion of Senator Taylor, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 164, Expressing appreciation to certain individuals following the Texas City disaster.

The resolution was read and was adopted.

**Senate Resolution 136**

(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,  
June 6, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: At a caucus held on June 5 and attended by 30 members of the Senate, the following recommendations were made, to-wit:

Be it Resolved by the Senate,

That the following named employees be retained for a number of days and at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and convening of the next session of the Legislature, for which services he shall receive the same per diem he

now receives, and in addition thereto, he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$7.50 per day.

The Lieutenant Governor may employ such employees as are necessary for secretarial services in connection with his office from the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fiftieth Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be retained for a period of ten days at a salary of \$6.00 per day.

The Calendar Clerk shall be retained for fifteen days at a salary of \$8.50 per day.

The Journal Clerk shall be retained for a period of 160 days at \$9.00 per day, and subject to the approval of the Contingent Expense Committee, may have an assistant or typist for not exceeding 90 days at \$7.00 per day.

The Sergeant-at-Arms shall be retained during the interim at the same pay he now receives, and two assistants for twenty (20) days at \$7.50 per day. The Lieutenant Governor may employ or retain at \$4.00 per day as many porters as may be necessary and a head porter at \$5.00 per day.

The Enrolling and Engrossing Clerk shall be retained seven (7) days at \$10.00 per day, and three assistants to assist her shall be retained for seven days at \$7.50 per day.

The private secretary of each Senator may be retained for six (6) days at \$7.50 per day to perform such duties as may be required of them.

The Postmistrees shall be retained six (6) days at \$8.50 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for six (6) days at \$8.50 per day and one (1) assistant

for four days at \$6.00 per day.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Fiftieth Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$5.00 per day.

Resolved, That there shall be printed seven hundred fifty (750) volumes of the Senate Journal of the Regular Session of the Fiftieth Legislature, and when completed, two hundred fifty (250) copies shall be bound in buckram and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and House of Representatives, to the Lieutenant Governor and Secretary of the Senate, and twenty-five (25) such copies shall be delivered to the Secretary of the Senate, and the remaining copies shall be retained by the Secretary of State. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law and as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee

on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Regular Session of the Fiftieth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Regular Session of the Fiftieth Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$75.00 per month; and be it further

Resolved, That the Senate Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs as are necessary between the adjournment of this session and the convening of the next session of the Legislature.

Respectfully submitted,

R. A. WEINERT,  
Chairman of the Caucus.

The resolution was read and was adopted.

#### Election of President Pro Tempore Ad Interim

The President announced that the next business in order was the election of President pro tempore ad interim.

Senator Lane nominated Hon. T. C. Chadick of Wood County, to be President pro tempore of the Senate ad interim.

Senators Knight, Crawford and Aikin seconded the nomination.

On motion of Senator Harris, it

was ordered that nominations be closed.

The President appointed Senators Lane and Knight as tellers to take up and count the ballots. The tellers reported that Hon. T. C. Chadick had received 29 votes, and the President declared him duly elected President pro tempore ad interim, and appointed Senators Lane, Knight, and Taylor to escort him to the President's rostrum.

The President administered the oath of office to Hon. T. C. Chadick, and presented him to the Senate as President pro tempore ad interim.

President pro tempore Chadick addressed the Senate briefly, and thanked the Members of the Senate for the honor conferred upon him.

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 435, A bill to be entitled "An Act providing that whenever any city or town incorporated under general law or having a special charter may have outstanding unpaid revenue bonds issued for the purchase price, in whole or in part, of wharf and terminal facilities, or an interest therein, theretofore purchased by such city or town, which are subject to call and redemption prior to their maturity and are secured by an encumbrance on such wharf and terminal facilities, or an interest therein, and a pledge of the revenues thereof, such city or town, through its governing body subject to the requirements, conditions and restrictions prescribed in this act, may issue its negotiable bonds to be paid with taxes for the purpose of redeeming such revenue bonds, prescribing rights of such city or town in participation in the revenues of such wharf and terminal facilities upon the redemption of such revenue bonds so made, providing that the right of any city or town to payment from revenues of the properties created by contract under which revenue bonds have been issued shall remain in force unaffected by this Act; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act repealing Subsection 7 of

Section 2, Acts 1937, 45th Legislature, page 1352, Chapter 502; and amending Section 7, Acts 1937, 45th Legislature, page 1352, Chapter 502, to include certain amendments and added Sections to Articles 8306 and 8307, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 40, and House Bill 10, Acts 1947, 50th Legislature; providing a savings clause and declaring an emergency."

S. B. No. 181, A bill to be entitled "An Act providing for the dissolution of consolidated county line school districts under certain conditions; providing a procedure to be followed in such dissolution; providing for the assumption of the debt, bonded or otherwise, of any such consolidated county line school districts dissolved under the provisions of this Act; and declaring an emergency."

S. B. No. 341, A bill to be entitled "An Act amending Article 2922a, Chapter XIX-A of the Revised Civil Statutes authorizing the creation of Rural High Schools, under certain conditions; providing for the appointment of a temporary board of trustees to serve until the following trustee election; providing for the election of the board of trustees; fixing the terms of office; prescribing the duties and functions of said board; providing for the abolishing of a rural high school; repealing all laws or parts of laws in conflict herewith; providing a savings clause; and declaring an emergency." (With an amendment.)

S. B. No. 378, A bill to be entitled "An Act to amend Article 1058, Code of Criminal Procedure, providing that bailiffs shall receive the sum of Five (\$5.00) Dollars per day compensation for their services; and declaring an emergency."

S. B. No. 138, A bill to be entitled "An Act authorizing and instructing the State Board of Control to sell three (3) lots located in the City of Jefferson, Marion County, Texas, at private or public sale, and reserving a 1/16th free royalty mineral interest; and providing that the Chairman of the State Board of Control may execute a deed of conveyance; providing for disposal of the funds, and declaring an emergency."

S. B. No. 379, A bill to be entitled "An Act amending Section 3, page 76,

Chapter 46, Acts 1937, Regular Session, Forty-fifth Legislature, otherwise known as Article 5142b, Vernon's Annotated Civil Statutes of Texas; as amended by Acts 1943, page 450, Chapter 299, Regular Session, Forty-eighth Legislature; and declaring an emergency."

S. B. No. 277, A bill to be entitled "An Act amending Article 600a, Section 5, Revised Civil Statutes of Texas of 1925, so as to provide that applications for an issuer's permit may be made by registered dealer as well as the issuer, and so as to provide that the required financial statements shall be of a day not more than ninety (90) days prior to the date such application is filed; amending Article 600a, Section 6, Revised Civil Statutes of Texas of 1925, so as to provide that foreign issuers must appoint the Secretary of State an attorney for service of process only as to actions arising out of transactions subject to the Securities Act; etc., and declaring an emergency."

S. B. No. 433, A bill to be entitled "An Act providing for the appointment and compensation of deputies, assistants, and employees in all County and District offices except the District Attorney and the Criminal District Attorney in counties having a population of more than three hundred thousand (300,000) inhabitants and less than five hundred thousand (500,000) inhabitants, according to the last preceding Federal census; and repealing Senate Bill 303, Acts 1947, 50th Legislature, and all other laws in conflict herewith, as applied to counties within the provisions of this Act; and declaring an emergency."

C. S. S. B. No. 382, A bill to be entitled "An Act to authorize the State Parks Board to accept title in behalf of the State of Texas to the Port Isabel Lighthouse and the site on which it is located; to dedicate the lighthouse and site when so acquired as a State Historical Monument and Park; authorizing the Parks Board to rehabilitate and preserve said lighthouse and to collect admission fees from those visiting the site or operate it on a concession basis pursuant to the provisions of Chapter 1 of Title 103 of the Revised Civil Statutes of 1925, as amended; and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act amending the Acts of 1937, 45th Legislature, page 769, Chapter 371, relating to fixing the limitations and jurisdiction of the 19th, 54th and 74th Districts Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide the Judges of said courts to exchange benches; authorizing either of said Judges to sit in either of said courts, authorizing the transfer of a case from either of said courts to another one thereof; to provide continuous terms thereof in all the said District Courts; providing that if either of said courts be in session at the time this Act takes effect the term of said court then in progress shall continue until and including the Sunday next preceding the date for the beginning of the next succeeding term; and providing that if any part of this law shall be declared unconstitutional, it is hereby declared the intent of the Legislature to pass all Constitutional portions thereof notwithstanding; and declaring an emergency."

S. B. No. 125, A bill to be entitled "An Act authorizing and empowering all incorporated cities and towns of Texas to grant the use of a portion of the streets and sidewalks of such cities and towns for private purposes, for such considerations and upon such terms as they may prescribe, provided such private use shall not substantially interfere with the public use of such streets and sidewalks, or create any hazard or dangerous condition thereon, and declaring an emergency."

S. B. No. 377, A bill to be entitled "An Act providing for a county unit school system in certain counties if authorized by majority vote of the qualified voters; providing for the petition, notice of election and ballot, for supervision by the County Board of Trustees; providing for the petition and election for the tax and for the assessment and collection thereof and the segregation as a county equalization fund; providing for the bond of the Tax Collector, for the distribution of the taxes collected; and for the operation and effect of this Act; providing for a saving clause in case of partial invalidity; and declaring an emergency."

S. B. No. 428, A bill to be entitled

"An Act adopting 'Central Standard Time' as standard time, and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act authorizing the creation of public hospital districts by the Commissioners Courts; providing for a petition by the qualified taxpaying voters defining said districts and requesting the issuance of bonds and the levying of a tax for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; providing the canvassing of returns of such election or elections by the Commissioners Court and orders declaring the results thereof; providing that such public hospital district shall be governed by a board of five trustees who shall be elected by the qualified voters of the district; and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act creating a State Park in Washington County, Texas, to be known as 'Independence State Park'; setting aside for the purpose of said State Park certain described tracts of land in Washington County; placing said Park under the jurisdiction, care, and direction of the State Park Board; and declaring an emergency."

S. B. No. 440, A bill to be entitled "An Act amending House Bill No. 919, Chapter 50, page 800, Special Laws, 1939, Regular Session, 46th Legislature, Sections 1 and 2, as amended by Senate Bill No. 128, Acts 1947, 50th Legislature, regulating and providing for the taking of minnows in Erath and Hood Counties for personal use by residents of said counties on their own premises, and providing that such persons may use such minnows for personal and commercial purposes and for sale at any time; providing a penalty; providing a savings clause; and declaring an emergency."

S. B. No. 430, A bill to be entitled "An Act authorizing C. H. Harrison of Waco, Texas to bring suit against the State of Texas or the Texas Highway Department or the State Highway Commission, to recover damages for alleged breach of contract by the State of Texas and the Texas State Highway Department in the construction of a bridge across

the Leon River in Bell County, Texas on State Highway 317."

S. B. No. 431, A bill to be entitled "An Act amending Section 12, Section 14, and Section 16 of Chapter 120, Acts Regular Session, 44th Legislature, page 318, and declaring an emergency."

S. B. No. 363, A bill to be entitled "An Act granting permission to The Steck Company, a Texas Corporation, to bring suit against the State of Texas and/or the State Board of Control and any other parties who may be proper or necessary in the prosecution of said suit, in a court of competent jurisdiction in Travis County, Texas, to ascertain and fix the amount, if any, due The Steck Company by reason of the delivery to and acceptance and use by the State Board of Control of 39,603,690 cigarette stamps belonging to The Steck Company; providing the usual rules of law and procedure to apply and that no admission of liability of the State of Texas is made by this act; etc., and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act amending Article 2844a, Section 1, Revised Civil Statutes, 1925, as amended by Acts of 1937, Forty-fifth Legislature, page 329, Chapter 167, Section 1, providing for the adoption of a multiple list of textbooks for use in the public high schools of the State on the subject of Driver Education; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts; and declaring an emergency."

S. B. No. 426, A bill to be entitled "An Act to provide for the apportionment of Federal Estate Tax in those cases where the tax is measured in part by the interest of the surviving spouse in community property."

H. B. No. 738, To amend Subdivision 62 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas of 1925, as amended, so as to change the time and terms of holding the terms of the District Court of Lamar, Delta, Hunt and Franklin Counties, Texas, constituting the 62nd Judicial District of Texas; validating and continuing all process issued or served before this Act takes effect, including recognizances and bonds;

making them returnable to the next term of the Court in each of said counties and district as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 14, Section 16, and Section 19, of Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended; providing for the method of payment of benefits, the method of determination of benefits, and duration thereof; providing for benefit eligibility conditions; providing for the disqualification of claimants to receive benefits under certain conditions; providing the manner in which claims for benefits may be filed, the benefit amount payable, and the maximum duration thereof; providing an appeal from an initial determination; etc., and declaring an emergency."

H. B. No. 787, A bill to be entitled "An Act creating Fannin State Park Commission, providing for the appointment of Commissioners, their terms of office and duties, authorizing said Commission to receive donations; authorizing the government of the United States to erect a memorial under certain conditions; and declaring an emergency."

H. B. No. 807, A bill to be entitled "An Act relating to the salaries of all State Officers except the salaries and other compensation of District Judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; etc., and declaring an emergency."

H. B. No. 210, A bill to be entitled "An Act making an emergency appropriation to The Texas Technological College, at Lubbock, Texas, and The West Texas State Teachers College at Canyon, Texas, out of any money in the State Treasury not otherwise appropriated, designating the purpose for which said funds are

to be used; providing that said funds are to be available immediately; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act creating Lamar State Technological College at Beaumont, Texas; providing for work at said college suitable to a college of sciences, industries, business, arts, etc., and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act amending H. B. 295, Acts of the 50th Legislature, R. S. 1947, by adding thereto a provision to be entitled Section 1(a) of Article I providing that all school districts containing an area of one hundred seventy-five (175) square miles or more shall be entitled to receive State aid as provided for in H. B. 295, Acts of the 50th Legislature; providing further that State aid shall be granted to any district having an incorporated city or town with a population of more than 3600 inhabitants according to the last preceding Federal census; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act increasing the maximum annual fees that may be retained by the Justices of Peace and Constables in certain counties and prescribing a limit to the expenses of such officers; repealing all laws in conflict; and declaring an emergency."

H. B. No. 384, An Act making an appropriation of Two Hundred and Fifty Thousand Dollars (\$250,000) to be used for constructing and equipping additional units to the Texas Memorial Museum; and declaring an emergency.

H. B. No. 184, A bill to be entitled "An Act authorizing the trustees of any Union Junior College District in Texas, when the Legislature shall create a State-supported college or university of first class offering at least four years of college work within the boundaries of such Union Junior College District, to transfer the corporeal properties and facilities of such Union Junior College District to such State-supported college upon such terms and conditions as said Board of Trustees shall deem advisable; providing that after the transfer of such corporeal properties and facilities of such Union Junior

College District the Board of Trustees of such Union Junior College District shall thereafter be authorized to annually levy and collect an ad valorem tax sufficient only to pay the current interest and create a sinking fund to retire the bonded indebtedness of such district and the expenses of collecting such taxes and paying such bonded indebtedness and for no other purpose; etc., and declaring an emergency."

H. B. No. 155, A bill to be entitled "An Act repealing Article 4860a-20, Sections 1 to 26, both inclusive, of the Revised Civil Statutes of Texas, Acts 1937, 45th Leg. p. 184, Ch. 99, and providing that such repeal shall not apply to any company or association now doing business under such article and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act amending Section 5, Article 517a of the Acts of 1943, Forty-eighth Legislature, page 94, Chapter 68, exempting employees engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables; and declaring an emergency."

H. B. No. 333, A bill to be entitled "An Act to empower municipalities and other political subdivisions to promulgate, administer, and enforce airport zoning rules, regulations, and ordinances, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports and to acquire, by purchase, grant or condemnation, air rights and other interests in land; providing for airport zoning commissions, providing for appeals to boards of adjustment; defining the powers and duties of the boards of adjustment; providing for judicial review of the actions of the boards of adjustment; providing penalties, and for the enforcement of this Act and all ordinances, rules and regulations promulgated thereunder; providing a savings clause; repealing all laws and parts of laws in conflict and specifically repealing Chapter 4 of the Acts of the Regular Session of the 46th Legislature, 1939; and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act to appropriate moneys out of the State Treasury to pay a judg-

ment in favor of Roy B. Wadsworth against the State of Texas and the State Highway Commission for the settlement of Thirty-six Hundred Dollars (\$3600) with interest in the sum of One Thousand and Eighty Dollars (\$1080); and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act amending Article 3174, Title 51, Revised Civil Statutes, 1925, transferring the general control and management of the Texas School for the Deaf from the State Board of Control to the State Board of Education; providing that all the powers and duties heretofore vested in the State Board of Control and pertaining to the affairs of the Texas School for the Deaf are transferred to the State Board of Education; providing for the appointment of the Superintendent of the said Texas School for the Deaf by the State Board of Education; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act to amend Sections Nine (9) and Twelve (12) of Senate Bill No. 477, Acts 1937, 45th Legislature, page 1494-a, Chapter 506; relating to the purchase and redemption of property sold at tax foreclosure sales; providing methods for resale of property bought by taxing units or in the name of officers thereof, at tax foreclosure sales; validating certain sales heretofore made; limiting the times within which certain actions may be commenced attacking certain sales; providing that if any part, paragraph or provision of this Act be held invalid, such holding shall not affect the validity of any other part, paragraph or provision thereof; and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act relating to Veterans' Affairs; declaring a need for and creating a Board of Veterans' Affairs with organization, powers and duties prescribed; providing for the appointment, qualifications and compensation of an Executive Director and two (2) Assistant Directors and Claims Specialists and prescribing their powers and duties; and providing for the employment of needed personnel, and fixing the salaries of all employees; making an appropriation; repealing the State Veterans' Service Office



Law and all laws in conflict with this Act, and transferring property of Veterans' State Service Office to the Board of Veterans' Affairs; providing a savings clause and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act for the purpose of preserving the faith and credit of the state and counties, cities, districts and other political subdivisions (herein called 'agencies') to which state general fund ad valorem taxes have been donated or granted; by making appropriations to such agencies in the amounts which they would have received if such tax had been levied in the year 1946; providing that, if any future year while bonds or other obligations of any such agency are outstanding, such tax is not levied, or is levied at a rate less than 35c on the \$100.00 valuation, the state treasurer, the comptroller, and the board of control shall set aside and hold in suspense an amount of money equal to the difference between that which such agency would have received if the 35c tax had been levied and that which it will receive under the tax, if any, levied for general fund purposes, which amount will be appropriated to each such agency at the next session of the Legislature; enacting other matters relating to the subject; containing a severability clause; and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act empowering the courts of record of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendants on probation under certain conditions; providing for an appropriation to carry out the purposes of this act and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act amending the provisions of Article 1925, Section 9 of the Revised Civil Statutes of Texas, 1925; repealing all laws or parts of laws in conflict with such Section of said Article as hereby amended; and declaring an emergency."

H. B. No. 187, A bill to be entitled "An Act providing that wild fox may be trapped and the pelts of fox sold in Robertson County according to Title 13, Chapter 6, Article 928q of

the Revised Penal Code, 1925, of the State of Texas, and declaring an emergency."

H. B. No. 870, A bill to be entitled "An Act exempting from taxation institutions or organizations known as the Girl Scouts of America or local organizations of or affiliated with the Girl Scouts of America; and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

H. B. No. 455, A bill to be entitled "An Act providing funds to soil conservation districts; manner of expenditures of such funds; providing the manner in which allocations shall be made, with certain limitations; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act amending Article 2843, Revised Civil Statutes, 1925, Acts of 1941, Forty-seventh Legislature, Regular Session, H. B. No. 312, providing for the adoption of textbooks for use in the public schools of the State on the subject of vocal music; providing for the adoption of a multiple list of textbooks for use in the public high schools of the State on the subject of Economics; providing for the adoption of a multiple list of textbooks for use in the public schools of the State on the subject of Vocal Music; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts hereof; and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act authorizing, empowering and directing the State Board of Control to purchase site for and construct at a total cost of not to exceed \$1,500,000.00, of which amount the

purchase price of the site therefor shall not exceed 10%, within not more than five miles from the city limits of Dallas, Texas, State Cancer and Pellagra Hospital as defined in Chapter 185 of the General and Special Laws of the 41st Legislature, Regular Session, 1929, and the Dallas Psychopathic Hospital, as defined in Chapter 2, Article 3192, Revised Civil Statutes, 1925, and both of which shall compose the Dallas State Hospital, as created by Chapter 47, Section 1, of the General and Special Laws of the 42nd Legislature, Regular Session, 1931; and appropriating for said purpose the sum of \$1,500,000.00, and providing for the conduct and maintenance thereof; and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act providing for the establishment of a Medical Branch of the University of Texas in San Antonio or Bexar County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus Federal or other suitable properties for said Medical Branch; authorizing the Board of Regents to contract, etc.; and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation and improvement of the Public Junior Colleges of Texas as named in this Act; etc., and declaring an emergency."

H. B. No. 727, Amending the Texas Liquor Control Act; defining the term Texas Liquor Control Act; providing savings clauses; repealing laws in conflict herewith; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act to increase the Civil Jurisdiction of the County Court of Kent County, and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, Page 1139, Chapter 460, the same being otherwise known and designated as Article 301d of Vernon's Annotated Penal Code, prohibiting Public School Fraternities, Sororities, and Secret Societies in all

Public Schools of this State, including High Schools, Junior High Schools, and all Public Schools of lower grades; excepting all Universities and Colleges above the grade or rank of High Schools; defining terms; providing penalties; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 581, "An Act to provide for an election in the Harris County Flood Control District for the purpose of submitting to the resident qualified voters in such District who own taxable property therein and who have duly rendered it for taxation the question of whether or not taxes may be levied therein for the purpose of paying the principal and interest on the bonds of said District and for the maintenance and operation of the improvements therein, providing that the total tax in any one year shall not exceed thirty cents (30c) on the One Hundred Dollars (\$100.00) valuation of all taxable property within said District, authorizing the issuance of refunding and other bonds by such District, prescribing the method and manner of the issuance of the bonds, and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act authorizing the formation of corporations for the purpose of engaging in the business of fighting fires and blowouts in oil wells, and gas wells, and oil and gas wells, and authorizing corporations organized under or having a permit to do business in Texas under Subdivision 36 or 37 or 38 of Article 1302, or Chapter 15 of Title 32 of the Revised Civil Statutes of the State of Texas to subscribe for and own stock in such corporations; and declaring an emergency."

H. J. R. No. 30, Proposing an amendment to Article III of the Constitution of the State of Texas by adding thereto another Section to be designated as 'Section 60' to authorize counties of this State to provide insurance for county employees; providing for the Governor's proclamation, and submission to the electorate.

H. J. R. No. 35, Proposing an amendment to Article 8 of the Constitution of the State of Texas to pro-

vide that \$3,000 of the assessed taxable value of homesteads as not defined by law shall be exempt from tax, etc.

H. J. R. No. 36, Proposing an amendment to the Constitution of the State of Texas so as to provide that all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, constables, deputy constables, and precinct law enforcement officers shall be compensated on a salary basis in all of the counties in this State beginning January 1, 1948; providing for submission of this amendment to the vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

H. J. R. No. 7, Proposing an amendment to Section 3, Article IV, of the Constitution of the State of Texas, so as to provide for a special election of the office of Governor in the event the Governor-elect dies, resigns, or in any manner becomes incapacitated before taking his oath of office as Governor; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

H. C. R. No. 170, Suspending the Joint Rules to consider H. B. No. 870.

H. C. R. No. 180, Suspending the Joint Rules to consider H. B. No. 18.

H. C. R. No. 181, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 738.

H. C. R. No. 182, Suspending the Joint Rules to consider H. B. No. 556, 805, 869, 871 and 883.

H. C. R. No. 184, Suspending the Joint Rules to consider H. B. No. 142.

H. C. R. No. 185, Suspending the Joint Rules to consider S. B. Nos. 376, 430 and 200.

H. C. R. No. 189, Suspending the Joint Rules to consider S. B. No. 440.

H. C. R. No. 192, Suspending the Joint Rules to consider S. B. No. 239.

H. C. R. No. 198, Suspending the Joint Rules to consider H. J. R. No. 3 or H. J. R. No. 26.

H. C. R. No. 205, Suspending the Joint Rules to consider H. B. No. 427.

H. C. R. No. 206, Recalling H. B. No. 250 from the Governor.

H. C. R. No. 199, Recalling S. B. No. 428 from Governor.

H. C. R. No. 187, Suspending the Joint Rules to consider S. B. No. 273.

H. C. R. No. 175, Suspending the Joint Rules to consider S. B. No. 325 at any time.

H. C. R. No. 164, Expressing appreciation to certain individuals regarding Texas City disaster.

H. C. R. No. 162, Authorizing the Governor to issue a proclamation designating "Alfalfa Day."

H. C. R. No. 188, Suspending the Joint Rules to consider H. B. Nos. 890 and 891.

S. C. R. No. 56, Designating March 7, yearly, as "Friendship Day."

S. C. R. No. 58, Suspending twenty-four hour rule to consider S. B. 426.

#### Governor Notified

The committee appointed to notify the Governor that the Senate is ready to adjourn sine die appeared at the bar of the Senate and Senator Strauss, for the committee, reported that the duty assigned them had been performed.

#### House Notified

The committee appointed to notify the House that the Senate is ready to adjourn sine die appeared at the bar of the Senate and Senator Bullock, for the committee, reported that the duty assigned them had been performed.

#### Senate Notified

A committee from the House appeared at the bar of the Senate, and Mr. King, for the committee, notified the Senate that the House has completed its labors and is now ready to adjourn sine die.

#### Appointment of Rural Aid Equalization Committee

Pursuant to the provisions of H. B. No. 295, the President announced the

appointment of the following committee: Senators Morris, Aikin, Bullock, Knight and Proffer.

**Motion to Place House Bill 754 on Second Reading**

Senator Hazlewood moved to suspend the Senate twenty-four hour rule, prohibiting the passage of a bill twenty-four hours prior to adjournment, to take up H. B. No. 754 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—18**

Brown	Morris
Bullock	Parrish
Crawford	Phillips
Harris	Proffer
Hazlewood	Stanford
Jones	Tynan
Kelley of Hidalgo	Vick
Knight	Winfield
Moffett	York

**Nays—9**

Aikin	Stewart
Chadick	Strauss
Cousins	Taylor
Hardeman	Weinert
Lane	

**Absent**

Carney	Ramsey
Kelly of Tarrant	

**Adjournment Sine Die**

At 12:00 o'clock m., the President announced the hour fixed by concurrent action of the House and Senate for final adjournment of the Regular Session of the Fiftieth Legislature had arrived.

Senator Taylor moved that the Senate adjourn sine die.

The motion prevailed, and the President declared the Senate adjourned sine die.

**In Memory of**  
**Mrs. M. F. Hale**

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Senator Knight offered the following resolution:

(Senate Resolution 133)

Whereas, On Wednesday, the 3rd day of April, 1946, our Almighty God called from her earthly existence Mrs. M. F. Hale, mother of Mrs. J. Alton York, wife of our distinguished colleague, Senator J. Alton York; and

Whereas, We realize that we must yield to the inscrutable ways of Providence and bow to the will of Him who doeth all things well; and

Whereas, Mrs. Hale was a member of a pioneer Texas family, native of San Jacinto County and resident of Walker County, Texas, for forty-five years and she took a special interest in the welfare and progress of her native State living a life of courage as illustrated by her appreciation, timeliness, and loyalty; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the useful life of this pioneer woman and to express sympathy to her family; now, therefore, be it

Resolved, That we express to the members of the family of the deceased our sincere sympathy and regret upon the passing of Mrs. M. F. Hale; that a copy of this resolution be mailed to the family of the deceased; and that when the Senate stands adjourned today it do so in respect to the memory of Mrs. M. F. Hale.

**KNIGHT**

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Parrish, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Senator Fred Mauritz**

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Senator Kelley of Hidalgo offered the following resolution:

(Senate Resolution 137)

Whereas, On May 24, 1947, the Senate and the State of Texas suffered a grievous loss in the death of Fred Mauritz, a most able and respected Senator from Ganado, Jackson County, Texas; and

Whereas, Fred Mauritz was born in Odebolt, Iowa, March 16, 1882; and

Whereas, Fred Mauritz moved to Texas when quite young and settled in Ganado and lived there to the time of his death; he was elected to the House of Representatives of Texas in 1935 and served that House two terms most ably; and

Whereas, He was elected to the State Senate in 1940 and was at the time of his death serving his second term; and

Whereas, He married Carrin Foreman of Sugarland, Texas in December 1929; and

Whereas, He was a member of the Lutheran Church; and

Whereas, During his term in the Senate he established a permanent place for himself in the hearts of those who worked with him. Senator Fred Mauritz served his people and the State of Texas, honestly, well and courageously. His genial personality will be long remembered by his colleagues who feel that a brilliant career ended entirely too soon; now, therefore, be it

Resolved, By the Senate of Texas, that we extend to his daughter and other surviving members of his family our sincere sympathy; that a page be set aside in the Senate Journal as a memorial to him; that this resolution be printed and that an official copy be set to each member of the family and when sine die comes at the end of the 50th Legislature it do so out of respect to the memory of Fred Mauritz.

KELLEY of Hidalgo  
VICK  
RAMSEY.

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelly of Tarrant, Knight, Lane, Moffett, Morris, Parrish, Phillips, Proffer, Stanford, Stewart, Strauss, Taylor, Tynan, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Chadick, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Mr. S. S. McGinnis**

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Senator Kelley of Hidalgo offered the following resolution:

(Senate Resolution 138)

Whereas, On August 30, 1945, our Almighty God called from his earthly existence Mr. S. S. McGinnis who was the father of two of our most highly regarded Senate employees, Miss Essie McGinnis and Mrs. Madge Sanford; and

Whereas, Mr. McGinnis was one of the early settlers of Texas having lived in Terrell, Kaufman County, Texas, from 1886 to the time of his death; and

Whereas, During his long life, Mr. McGinnis was a useful, esteemed and patriotic citizen of Texas. He was a retired farmer and in his passing, particularly the community in which he lived has suffered a loss; and

Whereas, He filled all the years allotted to him with devoted service to his family, his friends and to humanity; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of Mr. McGinnis, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a copy of this resolution be mailed to the members of the family of the deceased.

KELLEY of Hidalgo.

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bllock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelly of Tarrant, Knight, Lane, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Chadick, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Dr. John T. Harrington**

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Senator Vick offered the following resolution:

(Senate Resolution 139)

Whereas, On April 29, 1947, our Almighty God called from his earthly existence Dr. John T. Harrington of Waco, Texas, at the age of 89; and

Whereas, Dr. Harrington was born at Buena Vista, Mississippi in 1858 and came to Bremond, Texas at the age 22 and began practicing medicine; and

Whereas, Dr. Harrington moved from Bremond to Sweetwater, and thence to Abilene, moving to Waco fifty years ago. During all of the 69 years he lived in Texas, he was engaged in the active practice of medicine until the day of his death; and

Whereas, At the time of his death, he was and had been for many years President of the Board of Trustees of Baylor University at Waco, and had for many more years served as a Member of this Board; and

Whereas, He aided in founding Hardin-Simmons University at Abilene, being the first Secretary-Treasurer of this school; and

Whereas, He also aided in establishing the Epileptic Colony at Abilene; and

Whereas, He was a Member of the National Association of Physicians and Surgeons; and

Whereas, He was one of the outstanding Baptists and citizens of Texas and the best-loved citizen of Waco, probably having had more charity cases than any other physician in Texas; and

Whereas, His passing will be greatly mourned by his many friends throughout the State of Texas and his loss is irreplaceable and it is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of Dr. Harrington, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a copy of this resolution be mailed to the members of the family of the deceased.

VICK

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Knight, Lane, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Brown, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.